British Burma

HOME DEPARTMENT

(JUDICIAL.)

ANNUAL REPORT

ON

CRIMINAL AND CIVIL JUSTICE

IN THE COURTS OF THE

RECORDERS

AND IN THE SMALL CAUSE COURTS

OF

RANGOON AND MAULMAIN

DURING

1868.

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MEMORANDUM

BY THE

CHIEF COMMISSIONER of B B and Agent to the GOVR. GENERAL.

INTRODUCTION.

1. The Report of the Recorder of Maulmain was received on the 27th May and that of the Recorder of Rangoon on the 19th May. As the present Recorder of Rangoon, Mr. F. Housman, assumed charge of his Office after the close of the year 1868 he has not been able to submit such a Report as is usually expected by Government, and has, with one exception, given no reasons for the increases and decreases which appear in the Statistics. The Recorder of Maulmain, also, has omitted to record any explanation of the increase of regular cases instituted in his Court; and he has since reported that he is unable to assign any cause for this increase. Both the Recorders have, since submitting their Reports, furnished further information on several points. These letters supplementing the reports are added in Appendices.

2. By far the most important portion of the work of the Recorders is on the Civil Side. The remarks on the work performed on the Criminal Side will, therefore, be made first, although it is touched on last in the Recorders Reports, so as to leave the ground clear for the observations on the Civil Business and for the General Remarks.

I. BUSINESS ON THE CRIMINAL SIDE

3. The Recorders are the Sessions Judges within the territorial limits of their jurisdiction, and appeals from the Town Magistrates, and in Rangoon from the Cantonment Magistrate, lie to them. The number of cases which comes before them on the Criminal side of their Courts is very small.

4. In Rangoon there was only one Sessions trial during the year. A native of India was tried for murder and convicted, and, on the sentence being confirmed by the Chief Court, of which the Chief Commissioner is *ex-officio* Judge, was hanged.

Rangoon.

5. There were altogether 19 appeals preferred to the Recorder; 18 from the Town Magistrate, and 1 from the same officer sitting as Officiating Cantonment Magistrate. The decision of the lower court was reversed in 3 cases or 15.79 per cent. only; 52.63 of the appeals were rejected, and in 26.32 per cent. the decision was confirmed. Thus in 79. per cent. of the cases in which the decision of the Magistrate was objected to it was upheld. In 1867 there were 7 Sessions cases and 16 appeals.

Maulmain.

6. In Maulmain the Sessions cases increased from 1 in 1867 to 7. In these 7 cases 16 persons were concerned, of whom 13 were convicted. The number of appeals from the decision of the Magistrate of Maulmain was 17, the same as in 1867. In these 17 appeals the decisions appealed against were reversed in 23.53 per cent; in 41.18 per cent. confirmed or modified, and in 35.29 per cent. rejected.

7. Although the Courts of the Magistrates of Rangoon and Maulmain are subordinate to the Recorders of those towns, who, consequently, remark on the appeals from them, their Reports are submitted through the Commissioners of Division, who have no other authority over them, and who have no jurisdistion as Sessions Judges in the two towns and cannot, therefore, even call for a Proceeding. This appears to the Chief Commissioner to be an anomaly for which there is no sufficient reason, and one which might easily be obviated by directing the Magistrates to submit their Reports and Returns to the Recorders and the Recorders to review and submit them, and, should the Government of India not object to this course, for sanction for which a proposition will be submitted, the necessary orders will be issued, so thathence forward the Magistrates may be under one, and not as hitherto under two masters.

II. Civil Business.

1. Institution and Disposal of Suits.

8. The Civil Business of the four Courts—the two Recorders and the two Small Cause Courts—of the Province during the last 3 Calendar years 1866, 1867 and 1868 was.

A. *Regular Suits.*

	Recorders Courts.						Small Cause Courts.					
	Rangoon.			Maulmain.			Rangoon.			Maulmain.		
	1866	1867	1868	1866	1867	1868	1866	1867	1868	1866	1867	1868
1	2	3	4	5	6	7	8	9	10	11	12	13
Pending at the commencement of the year	16	25	46	54	46	17	70	86	270	67	73	45
Instituted	212	351	593	173	129	163	2,380	2,145	2,097	2,156	1,429	1,693
Total	228	376	639	227	175	180	2,450	2,231	2,367	2,223	1,502	1,738
Disposed of	203	330	495	118	158	153	2,364	1,961	2,112	2,150	1,457	1,671
Pending at the close of the year	25	46	144	46	17	27	86	270	255	73	45	67

B.—*Miscellaneous suits.*

	Recorders Court						Small Cause Court					
	Rangoon			Maulmain			Rangoon.			Maulmain.		
	1866	1867	1868	1866	1867	1868	1866	1867	1868	1866	1867	1868
1	2	3	4	5	6	7	8	9	10	11	12	13
Pending	5	12	18	10	11	16	2	31	23	11	13	15
Instituted	153	403	400	359	465	390	746	756	830	1,175	761	845
Total	158	415	418	369	476	406	748	787	853	1,186	774	860
Disposed of	146	397	397	358	460	396	717	764	820	1,173	759	852
Pending	12	18	21	11	16	10	31	23	33	13	15	8

O.—*Applications for new Trials and Review of Judgment.*

	Recorders Court						Small Cause Court.					
	Rangoon.			Maulmain.			Rangoon			Maulmain.		
	1866	1867	1868	1866	1867	1868	1866	1867	1868	1866	1867	1868
1	2	3	4	5	6	7	8	9	10	11	12	13
Pending			...			...			1			...
Instituted			4			3			...			8
Total			4			3			1			8
Disposed of			2			3			1			8
Pending			2			...			..			..

Recorder's Court Rangoon, Regular Cases instituted.

9. The number of suits instituted in the Court of the Recorder of Rangoon is rapidly increasing, and this year exceeds the number instituted in 1867 by 242 or 68.9 per cent., and the number instituted in 1866 and in 1867 taken together by 30, or 5.3 per cent. Mr. Housman has given, in the 10th paragraph of his Report, an explanation of this sudden and very large increase. He there attributes it to the fact of Act V of 1866 having come into force during the year,(on the 1st May 1868), by virtue of Notification No. 509 of the Government of India in the Home Department, dated 31st March 1868. By this Notification the two Recorders in British Burma were invested with the powers of a High Court under that Act, and the consequence was that the files of the Recorder's Court then became crowded with suits on Bills of Exchange and Promissory Notes of the value of Rs. 3 and upwards, because by the Act such suits have to be brought in a High Court. Mr. Housman suggests that the remedy for this crowding is to consider the Small Cause Court, not as separate from, but as a Division of, the Recorder's Court; these suits would then be put on the Small Cause Division file.

The effect of this would have been to increase the number of suits to be disposed of by one Judge in one Division of his Court, by the exact number by which his files in another Division would have been lightened; it would not have diminished the labour which the single Judge had to go through, as the Procedure is the same in both Courts. Neither could this remedy, if remedy it be, be applied when a separate Small Cause Court Judge is appointed. The extention of Act V of 1866 has entailed on the Recorder the decision of 359 more cases in 8 months, or about 538 annually.

10. The increase in the number of cases instituted in 1867 over the number instituted in 1866 was attributed by the late Recorder Mr. Broughton, partly to the fact of there being separate Recorders for Rangoon and Maulmain, and, consequently, a Recorder's Court regularly sitting, and partly to the increased prosperity of the Town. In the 3rd paragraph of letter No. 84-10, dated 19th June 1868 to the Secretary to the Government of India in the Home Department

which forwarded the Reports of the Recorders for 1867, the Chief Commissioner attributed the increase principally to the latter cause, but also to the popularity and regular attendance in Court of the presiding Judge. The increase in 1868 may probably be justly attributed to the same causes. The Town continued to increase in prosperity as evidenced by the value of the imports and exports which was,

	Imports	Exports.	Total
	£	£	£
1866-67	2,196,965	1,888,425	4,085,390
1867-68	2,668,474	1,970,897	4,639,371
1868-69	2,761,022	2,478,417	5,239,439

yet, deducting cases under Act V of 1866, there was an actual falling off of 117 suits instituted, or 33.34 per cent. It is probable that many of the cases instituted under Act V of 1866 would, had that Act not ~~have~~ been extended, ~~been~~ instituted under Act VIII of 1859 and, consequently, a comparison between what may be called "ordinary suits" instituted in 1867 and in 1868 is fallacious, but to what extent it is impossible to say.

Recorder's Court, Miscellaneous cases instituted.

11. Taking now the Miscellaneous cases, which are given in table *B.* in paragraph 8, it appears that the number instituted remained about the same as in 1867, that is was more than twice as many as in 1866. The number disposed of was exactly the same and the number pending at the close of the year was nearly the same as 1867, in other words the Miscellaneous business was satisfactorily met.

Small Cause Court Rangoon; Regular cases instituted.

12. In the Small Cause Court the Regular cases instituted continued to diminish, though not in so great a ratio as in 1867 when they fell by 235. The cause of the decrease has not been given. It was probably owing, as was pointed out, in remarking on the decrease last year, in paragraph 4 of letter No. 84-10 before alluded to, to the unpopularity of the Court in its present form, owing to which long and serious delays occur in cases which should be rapidly disposed of. In suits for small amounts, such as are brought in Small

Cause Courts, long delays are felt to be very vexatious, and claimants prefer loss or a resort to arbitration to seeking redress at the hands of the Judge, when such redress cannot be obtained till after months of delay. This opinion is supported by the fact that 12 arbitration bonds were filed by others than Europeans in this Court under Section 327 of Act VIII of 1859. It is not probable that the Stamp Act (XXV of 1867) had much to do with the decrease.

Small Cause Court Rangoon; Miscellaneous cases instituted.

13. The number of Miscellaneous cases instituted in the Small Cause Court increased by 74, or 97. per cent. The number of these cases has slightly but steadily increased during the last 3 years.

Causes disposed of in both Courts in Rangoon.

14. The number of Regular cases disposed of in the Recorder's Court was 495 or 165 more than in 1867, and 292 more than in 1866, that is their number was greater in 1868 than in 1866 by 59. per cent. and than in 1867 by 33. per cent. Of these 495 cases 277 were under Act. V of 1866 leaving 218 which may be called ordinary cases. The increase in cases instituted was shewn in paragraph 9 to be 242 or 68.9 per cent. The ratio of increase in the disposal is therefore smaller than that of the increase in institution. Exactly the same number of Miscellaneous cases was disposed of in 1868 as in 1867 viz: 397, the number instituted having fallen by 3. In the Small Cause Court 151 more regular cases were disposed of than in 1867 but 252 less than in 1866, that is 7.79 per cent. more and 10.66 per cent less, respectively; the number instituted was slightly less in 1868 than in 1867. The number of Miscellaneous cases disposed of in this Court increased so as very nearly to keep pace with the increase in the number instituted; 33 remaining pending instead of 23 as in 1867.

Cases disposed of in both Courts in Rangoon combined.

15. In order to judge of the real amount of work done it is necessary, as pointed out by Mr. Housman in the 4th paragraph of his Report, to consider together the cases instituted and disposed of in each Court, as the same Judge presides in both. Taking therefore together the figures given in tables *A.* and *B.* in paragraph 8, and excluding from consideration the contents of table *C.* the result is:—

D. *Regular Cases.*

	1866.	1867.	1868.
1.	2.	3	4.
Pending	86	111	316
Instituted	2,592	2,496	2,690
Total.	2,678	2,607	3,006
Disposed of	2,567	2,291	2,607
Pending	111	316	399

E. *Miscellaneous Cases*

	1866.	1867	1868
1	2	3	4
Pending	7	43	41
Instituted	899	1,159	1,230
Total...	906	1,202	1,271
Disposed of	863	1,161	1,217
Pending	43	41	54

which shews that 40 more Regular cases were disposed of in 1868 than in 1866, and 316 more than in 1867 (principally in the Recorder's Court.) It shews also, however, that notwithstanding this increase in the number of cases removed from the file, 288 more cases were pending at the close of 1868 than at the close of 1866, (principally in the Small Cause Court), and 83 more than at the close of 1867 (chiefly in the Recorder's Court); whilst, owing to the disposal of 56 more Miscellaneous cases than in 1867 and 354 more than in 1866, the number pending on that file at the close of the year had but slightly increased, notwithstanding that 71 more such suits had been instituted than in 1867 and 331 more than in 1866.

16. All this tends to prove still more conclusively than did the Report for 1867 how impossible it is for one Judge to cope with the work; and how necessary it is that a Small

Cause Court Judge should be appointed, and it is to be hoped that the Secretary of State will sanction such an appointment, the application for which, it appears from letter No. 1607 dated 12th September 1868 from the Secretary to the Government of India in the Home Department, has been forwarded to him.

Recorder's Court Maulmain; Regular Suits instituted.

17. Turning now to the Maulmain Courts we find that the number of Regular suits instituted has risen from 129 to 163, that is by 26.35 per cent., but has not yet reached the same figure as in 1866 when it was 173. The Recorder has suggested no reason for this increase, nor is it easy to ascertain the real one without that practical daily experience which an officer on the spot alone possesses. In 1867 the number of cases sank very considerably, and it may be that the increase in 1868 was a natural rise from an abnormal depression. It may be in part due to a largely increased, and it is to be hoped steadily reviving, trade. The Imports and Exports to and from Maulmain during the last 3 years were valued at,

		Imports.	Exports.	Total.
		£.	£	£.
1866-67	...	636,931	649,650	1,286,581
1867-68	...	635,217	604,372	1,239,589
1868-69	...	676,068	839,813	1,515,881

It is also probably due to the numerous failures which took place amongst the Native merchants, especially in 1867, the creditors having abstained from resorting to Courts which they dislike until they found that by no other means could they recover their money.

18. The effect which Act V of 1866 had on litigation in Maulmain was very small, for from a return received since the Recorder's Report was submitted, it appears that the number of suits instituted under this Act during the year was only 2, the value of which aggregated Rs. 4010-8.

Recorder's Court Maulmain; Miscellaneous cases instituted.

19. There were 393 Miscellaneous cases and applications for review of Judgment instituted in the Recorder's Court, and the number on the file for disposal during the year was 409, 16 having remained pending from 1867. In that year the number of these cases instituted was 465, and in 1866 it was 359. The decrease from last year was therefore 15.48 per cent.

Cases of this kind must continually vary in number without any very special causes, generally increasing and decreasing with the regular cases.

Small Cause Court Maulmain; Regular cases instituted.

20. In the Small Cause Court 1693 Regular cases were instituted against 1429 in 1867 and 2156 in 1866. Here, as in the Recorder's Court, the increase has been decided, but not large enough to equalize the statistics of 1866 and 1868 and probably the increase is due to the same causes in both Courts.

Small Cause Court Maulmain, Miscellaneous cases instituted.

21. The Miscellaneous cases instituted increased slightly, from 761 in 1867 to 845, but were considerably less than in 1866 when they numbered 1175. The increase was, however, large enough to more than compensate, as regards the number of cases to be disposed of by one Judge, the decrease in Miscellaneous cases instituted in the Recorder's Court.

Cases disposed of in both Courts in Maulmain.

22. The number of Regular cases disposed of by the Recorder in his own Court was 153, that is 5 less than in 1867 and 28 less than in 1866. The consequence was that 27 cases were pending at the close of the year or 10 more than at the close of 1867. Altogether there were 5 more cases to be disposed of in 1868 than in 1867, and that this increase was so small, notwithstanding the increase in cases instituted, was owing to the fact of there having been only 17 pending at the commencement of the year instead of 46 as at the commencement of 1867. Of the cases disposed of 2 were the Act V of 1866 cases instituted. The decrease in Miscellaneous cases disposed of was marked, they fell to 396 from 460, but owing to 75 less having been instituted the number pending at the close of the year was only 10. In the Small Cause Court the Regular cases disposed of rose to 1671 from 1457, so as very nearly to keep pace with those instituted, the increase in pending cases being 22, the total number 67, very nearly as many as in 1866 when it was 73. The Miscellaneous cases disposed of in this Court increased to 852 from 759 or by nearly 100, and exceeded the number instituted by 7, thus reducing the cases pending at the close of the year to 8 from 15 in 1867.

23. Treating the cases in the Maulmain Courts in the same manner as those in the Rangoon Courts (para 15), for in both places a single Judge presides in both Courts, the result is:—

Cases disposed of in both Courts in Maulmain, combined.

F. *Regular Cases.*

	1866.	1867.	1868.
1	2	3	4
Pending...	121	119	62
Instituted	2,329	1,558	1,856
Total.....	2,450	1,677	1,918
Disposed of	2,331	1,615	1,824
Pending...	119	62	94

G. *Miscellaneous Cases.*

	1866.	1867.	1868.
1	2	3	4
Pending, ...	21	24	31
Instituted, ...	1,534	1,226	1,235
Total, ...	1,555	1,250	1,266
Disposed of	1,531	1,219	1,248
Pending, ...	24	31	18

The number of Regular cases disposed of increased from 1615 in 1867 to 1824, that is by 12.94 per cent. In 1866 the number disposed of was 2331. The number of Regular cases pending at the end of the year rose from 62 to 94 having been 119 in 1866. In 1866 and in 1867 more cases were disposed of than were *instituted*, but in 1868 this was not so. In both these years, 1866 and 1867, more cases were disposed of in the Recorders Court than were instituted, and in 1867 considerably more were disposed of than in 1868, when also fewer were disposed of than were instituted. In the Small Cause Court on the other hand more cases were disposed of in 1868 than were instituted.

24. The total number of cases pending in the two Courts has not much varied. It was less at the end of this year than at the end of 1866, but more than at the end of 1867, and this in both Courts. The number of pending cases seems large when compared with the number usually pending in the Commission Courts; but it is not, the Chief Commissioner considers, unduly large. The more complicated the law administered is, the longer will cases take to decide and, consequently, the larger will be the number of cases pending on the file. In addition to which many of the cases are such as necessitate commissions being sent to different parts of India.

25. The whole of these Statistics shew that in Maulmain a single Judge is at present able to cope with the work he is called on to perform, whereas in Rangoon, as has been recognized by the Government of India, this is not so, and, therefore, no comparison need be drawn between the work to be performed in these two towns.

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2. Value of suits instituted.

26. Return No. 4 of the Civil Justice returns gives, as regards monetary details, information concerning the value of the suits *instituted*, of the stamps *filed*, and of the costs in *cases decided*. But these three have no necessary connection with each other. The Stamps filed are not only those filed in the cases instituted during the year, but also those filed during the year in cases which were pending at the close of last year. This information it is, therefore, which shews the Revenue derived from the Courts. It is no doubt very valuable from a fiscal point of view, but it does not shew how the Stamp Act affected the litigation during the year. Similarly the return regarding costs shews all costs in cases *decided* during the year, but as there is nothing to shew how much of these costs were for stamps it is impossible to ascertain from the Returns what was the exact amount paid directly to Government by the Suitor in order to obtain Justice. This will be remedied next year, as two additional columns will be added to the Return, in which information on these points will be given. Supplementary Returns have been called for and received from the two Recorders which shew the value of the cases decided during the year, and the value

of the Stamps filed in such cases whether filed during the year or not. This information will be considered when the costs are treated of.

The value of the Suits instituted was as follows:—

H. *Value of Suits instituted*

Courts	1866			1867			1868		
1	2			3			4		
Recorder's Court, Rangoon	8,48,077	3	8	13,66,838	1	11	7,29,829	13	10
Do Do. Maulmain	4,09,377	12	10	5,08,972	11	0	4,88,872	7	0
Small Cause Court Rangoon	1,86,258	3	9	1,81,625	5	11	1,65,23	14	0
Do Do. Maulmain	1,68,661	1	0	1,00,408	4	0	1,12,014	12	0

27. The value of the Suits instituted in the Court of the Recorder of Rangoon fell considerably, by 38.28 per cent., and was lower than it was in 1866, and this notwithstanding that the *number* was more than double that of 1866 and 242 more than that of last year. In the Small Cause Court also the value decreased from Rs. 1,81,625-5-11 to Rs. 1,65,239-14-0 or by Rs. 16,385-7-11, the number being less by 42 only; reducing the average value from Rs. 84-8 to Rs. 79.

Rangoon.

28. The decrease in the value of the Suits instituted in this Court is not explained in the Report. From a return since obtained from the Recorder it appears that out of the 593 cases instituted in his Court 359 were under Act V of 1866, and that the value of these was Rs. 1,76,681-2-9. Deducting these from the whole number we have 234 cases of the value of Rs. 5,52,148-11-1 giving an average of Rs. 2,359; against 351 cases in 1867 of the value of Rs. 13,66,838 giving an average of Rs. 3,894; and against 212 cases in 1866 of the value of Rs. 8,48,077, giving an average value of Rs. 4,000. The average value of cases has therefore steadily decreased, for the average value of the cases instituted under Act V of 1866 was only Rs. 492.

29. In the Small Cause Court the value of the suits instituted fell from Rs. 1,81,625-5 to Rs. 1,65,239-14 or by Rs. 16,385-7. This is partly accounted for by the decrease in the number. The average values during the last 3 years were, in 1866 Rs. 78, in 1867 Rs. 84, and in 1868 Rs. 78 nearly.

Small Cause Court Rangoon.

30 In the Recorder's Court in Maulmain the value of the suits instituted fell from Rs. 5,08,972-11-0, to Rs. 4,88,872-2-0 or by Rs. 20,100-9-0 or 13.95 per cent. although the number increased from 129 to 163. Two cases were under Act. V of 1866 and their value was Rs 4,010-8-0, deducting these from the figures given in the Returns we have 161 as the ordinary Regular cases instituted, and Rs. 4,84,861-10-0 as their value, this gives an average of Rs. 3,012 each; the average in 1867 was Rs. 3,946, and in 1866 Rs. 2,366. It is probable that the average in 1867 was unusually high from several very heavy suits being brought during that year owing to the failures amongst the merchants; certainly there was one such of very large amount.

Maulmain Recorder's Court.

31. In the Small Cause Court in Maulmain the value of the suits instituted rose from Rs. 1,00,408-4-0 to Rs. 1,12,014-2-0, that is by Rs. 11,605-14-0 or 11.56 per cent., the number increasing from 1,457 to 1,671, that is by 214. The average value during the last 3 years was. in 1866 Rs. 78, in 1867 Rs. 69, and in 1868 Rs. 66.

Maulmain Small Cause Court.

32. A comparison of the average values of suits instituted in the two Recorders Courts, of Rangoon and Maulmain, during the last 3 years, which are given in the margin, shews that whilst in the former it has steadily and rapidly decreased, (and if Act V cases were excluded the decrease would appear much greater), in Maulmain it rose suddenly, and probably abnormally, in 1867 and last year fell again; still, however, remaining greater than in Rangoon

Comparison between Rangoon and Maulmain Courts.

Recorders Court		
	Rangoon	Maulmain.
	Rs.	Rs.
1866	4,000	2,366
1867	3,854	3,946
1868	2,359	3,012

33. In the Small Cause Courts in the two towns the average value of suits instituted is about the same, but is decreasing in Maulmain whilst remaining about stationary in Rangoon. It is probable that the rise in the latter court in 1867 was owing to failures amongst the Native Merchants in that year which resulted in cases of, certainly small but, compared with the previous and the succeeding years, of a higher value than usual.

	Small Cause Court. Rangoon Rs.	Maulmain. Rs.
1866	78	78
1867	84	69
1869	78	66

3. Duration of suits.

34. The two following tables give the average duration of cases in the four Courts, and the longest time any case has been pending in each.

I. *Average length of time cases have been pending.*

COURTS.	Regular.						Miscellaneous.					
	1866		1867		1868		1866		1867		1868	
	M.	D.	M.	D.	M.	D.	M.	D.	M.	D.	M.	D.
1	2	3	4	5	6	7	8	9	10	11	12	13
Recorder's Court, Rangoon	...	28	...	28	1	7	...	17	...	25	...	16
„ „ Maulmain	...	28	2	...	1	8	...	18	...	11	...	12
Small Cause Court, Rangoon	...	12	...	26	1	52	...	11	...	11	...	13
„ „ Maulmain... ...	...	12	...	15	...	11	...	5	...	4	...	4

K *Longest time a case has been pending.*

COURTS	Regular.						Miscellaneous.					
	1866		1867		1868		1866		1867		1868	
	M.	D.	M.	D.	M.	D.	M.	D.	M.	D.	M.	D.
1		3	4	5	6	7	8	9	10	11	12	13
Recorder's Court, Rangoon	9	12	11		30	12	...	...	...	...	16	12
„ „ Maulmain	15	15	...	...	38	11	...	...	...	...	11	23
Small Cause Court, Rangoon	1	2	9	16	8	6	...	...	...	...	3	7
„ „ Maulmain... ...	13	10	...	...	5	7	...	...	...	...	...	21

Rangoon Courts, Regular Suits.

35. The average duration of the cases in the Court of of the Recorder of Rangoon has increased by 32.14 per cent.; and in the Small Cause Court has increased by a month—that is, as the average duration in 1867 was 25 days, has more than doubled —and is more than 3½ times as great as in 1866. In his Report the Recorder has suggested no reason for this, but in a supplementary explanation called for after the receipt and examination of his Report, Mr. Housman states that the probable cause is owing to the increase of the number of cases on the files, for "assuming that only a cer-" "tain number of suits can be heard in a given time, it fol-" "lows that the greater the number pending, the longer must" "be the average time during which they pend," and this is, in the Chief Commissioner's opinion, undoubtedly the true reason; and the conclusion to be drawn from a comparison of the Statistics on this point during the last 3 years would be, that in 1866 as many cases were disposed of as possible, and the average duration thus kept down to 28 days, the same in 1867, but that when the cases increased, as they did in 1868, the average duration increased, because it was impossible to keep pace with the increase in the number of institutions.

Cases longest pending, Rangoon Courts

36. In his Returns the Recorder has given, as the longest period during which a case has been pending on the files of his Court, 30 months and 12 days. The Returns for 1867 gave 11

months There is evidently some error, as if a case has been pending for 30 months and 12 days at the end of 1868, it must have been pending for 19 months and 12 days at the end of 1867, and not for 11 months. The Recorder has since explained (Appendix A) that this has arisen from the fact that in the Returns for 1867 the figures purporting to give the time during which the case longest pending had been on the file, related only to cases pending during the year, a manifest error

Maulmain Courts, Regular Suits

37 The average duration of suits has decreased in Maulmain, in the Recorder's Court from 2 months in 1867 to 1 month and 8 days, or by 36. per cent., and in the Small Cause Court from 15 to 11 days, or by 26. 67 per cent. The Recorder, in the 13th paragraph of his Report, draws attention to the fact that these figures do not represent the ordinary duration of suits in either Court. In his own Court 24, and in the Small Cause Court 80, cases were of exceptionally long duration. Apparently some of these suits in the Recorder's Court were "Mhinloongyee" cases, the circumstances connected with which have been so much before Government lately that it is only necessary to allude to them. The Recorder, however, does not specify how many of the cases were of this class, nor, generally, the cause of the 80 suits in the Small Cause Court having been so long on the file, though, in remarking on the longest period during which a case remained pending, he suggests the cause of the long delay in some of them. There is, however, a want of particularity in this portion of the Report which renders it extremely difficult to come to any conclusion as to the cause of the delay. The Recorder deducts these 24 and 80 cases from the rest on the files of the two Courts respectively, and from the remainder calculates that 18 days in his own, and 9 days in the Small Cause Court, are the periods which ordinarily elapse between the institution and the decision of a suit. The figures from which these results are obtained are not quoted, nor is any statement of the average duration of these 24 and 80 cases given. It is manifest, however, that these 24 cases in the Recorder's Court must have had an average duration of 145.50 days, and the 80 cases in the

Small Cause Court an average duration of 50.77 days. Beyond a general statement in paragraph 16 that the long delay shewn by these figures was wholly beyond the controul of the Court, and an inference that it was owing to Natives of India being concerned, and consequently to processes having to be sent to distant parts of the continent, and to carelessness on the part of the parties in taking proper steps to see that the processes were properly served, no explanation is given ; the principal causes are not distinctly stated, and it is left to be inferred that only the two quoted above were of much importance : it would have been clearer if this had been distinctly stated, as now it is doubtful if this is the correct interpretation of this portion of the Recorder's Report.

Miscellaneous cases.

38. In Miscellaneous cases the average duration has remained much the same.

Cases longest pending, Maulmain Courts.

39. One regular suit has been pending in the Recorder's Court for 38 months and 11 days or for more than 3 years. This was one of that set of cases, relating to the Timber cut in the Mhinloongyee Forests, which have so long blocked the Recorder's file, but which, he reports, will now be speedily cleared off owing to a decision on appeal lately given by the High Court at Fort William.

40. The longest period during which a case was pending in the Small Cause Court was 5 months and 7 days, and this was owing to a process having to be sent twice to Coconada on the Madras Coast, as the Judge did not consider the service the first time to be good.

41. The length of time during which the longest case on the file has been been pending depends on so many circumstances that a comparison between the Statistics, on this point, of the two Recorders, and of the two Small Cause Courts would be of little value unless it could be shown that in both cases the causes were under the controul of the Courts. Nor would a comparison between the average duration of cases in the Courts in Rangoon and Maulmain be of any advantage, when such average duration is greatly affected, as is the case in the present instance, by the immense mass of work thrown on one Judge and by cases of an exceptionally long duration from their peculiar circumstances being, and indeed remaining at the close of the year, on the file of the other.

4 Value of Suits disposed of and costs.

42. As before remarked the value of the suits disposed of and the value of the stamps filed in such cases are not given in the Returns, though the costs other than stamps are. The Recorder of Maulmain has, in his first and second paragraphs, given the value of the cases disposed of, and from this and from information subsequently obtained, the following table has been compiled. To have collected this information for the years 1866 and 1867 or for the year 1867 only would have delayed too long the submission to Government of these Reports, already over due. No comparison can, therefore, be made so as to ascertain whether the total expense of obtaining decrees and execution of them has increased or decreased.

L. *Value of Suits disposed of and costs.*

Courts.	Value of cases decided.			Costs. Value of Stamps.			Costs other than Stamps.			Total costs.			Percentage. of stamps to value.	Costs other than stamps to value.	Total costs to value.
1	2			3			4			5			6	7	8
Recorder's Ct: Rangoon	510,047	10	7	437,34	4	0	27,871	3	2	71,605	7	2	8.57	5.46	14.03
Recorder's Ct:Maulmain	450,171	1	0	1,8855	2	0	11 874	8	0	30,729	10	0	4.19	2.63	6.82
Small Cause Court Rangoon ...	165,748	5	11	17,654	5	11	6,818	2	0	24,472	6	0	10.65	4.12	14 76
Small Cause Court Maulmain ...	109,451	11	0	11,673	10	0	6,530	12	0	18,204	6	0	10.67	5.96	16.63

43. It is somewhat remarkable that the cost of Stamps in Rangoon is double that in Maulmain in the Recorder's Court, whilst in the Small Cause Court it is very much the same. Again in the costs other than Stamps, the amount charged in the Recorder's Court in Rangoon is double that charged in Maulmain, whereas in the Small Cause Court the amount under this head is larger in proportion in Maulmain than in Rangoon.

The probable explanation of this vast difference in the costs in Stamps in the two Recorders' Courts, is that in the Rangoon Court a large number of suits were decided under Act V of 1866. These suits numbered 277, their value was Rs. 130,981, exhibiting annas and pie, or about Rs. 473 each; that is, they were of small value. It will be observed that in suits of small value the costs in Stamps are much larger comparatively, as exemplified by the figures for both Small Cause Courts. More than half the suits decided in the Court of the Recorder of Rangoon were cases under Act V of 1866 and to this may be attributed the fact that the percentage of the value of Stamps in that Court nearly equalled the percentage in the Small Cause Court, and nearly doubled the percentage in the Court of the Recorder of Maulmain, where two only of such cases were decided.

44. The difference in costs other than Stamps is also remarkable. In the Court of the Recorder of Rangoon it was more than double the amount in the Court of the Recorder of Maulmain; whilst in the Small Cause Court such costs were slightly larger in Maulmain than in Rangoon. The Recorders will be requested to keep distinct, in next year's Returns the figures for Act V of 1866 cases, and general instructions for the preparation of their Reports, explaining exactly what Government desires to know, will be prepared for their guidance, and the Chief Commissioner will then be able to forward a complete set of valuable and detailed statistics, the preparation of which will, he trusts, cause little or no inconvenience to the Recorders, whilst they will enable the Government of India to draw sound conclusions.

Stamp Act.

45. This portion of the Review, in which the total costs to suitors of having their cases decided is treated of, is, perhaps, the fittest place in which to remark on the Stamp Act.

The Recorder of Rangoon has written nothing on this subject, and the Chief Commissioner, therefore, believes that Mr. Housman has, at present, no objection to urge against the revised Act. From a Return which he has submitted (Appendix A.) it appears that in 18 cases arbitration bonds were filed. This alone cannot be accepted as proof that the Act presses too hardly. The Recorder of Maulmain has, in his 20th paragraph, reiterated the opinion which he expres-

sed last year in his Report for 1867, that the heavy institution fee has kept many cases out of Court, and thus deprived Government of a large amount of Stamp Revenue. It appears to the Chief Commissioner that no such conclusion can legitimately be founded on the fact that in [illegible] cases of large amount arbitration bonds were filed. Where the institution fee is high there are two classes of cases which will be kept out of the Courts, and, in the Chief Commissioner's opinion, with advantage: those in which the Plaintiff has, and knows that he has, a bad or extremely doubtful title, and those in which there is little inclination to dispute. In such cases as these the claims will, naturally, be submitted to those who will charge the parties comparatively little, more especially when, as is the case under Act VIII of 1859, to the arbitrators award can be given, by a cheap and speedy process, all the force and power of a formal legal judgment after hearing. In not bringing such cases into Court but in submitting them to less skilled arbitrators than those provided by Government, for the true position of a Judge is that of a paid and skilled arbitrator, the parties are not depriving themselves of any real advantage, and a theory which, merely to raise the Stamp Revenues a little, would lower the Stamp duties in order practically to encourage any one to rush into Court in cases which are much fitter subjects for amicable arbitration, could not be supported by any sound arguments. These are not the cases which require all the scientific knowledge which a trained Judge can bring to bear. Simple cases can easily and advantageously be settled by laymen, and to facilitate such settlement must have been the object which the legislature had in view in sanctioning Chapter VI of the Civil Procedure Code. It is in intricate cases, depending for their right decision on the careful weighing of conflicting evidence and on the correct application of principles of law, that a more extensive and far more expensive machinery must be set in motion, and suitors must expect to pay in proportion. Nor can the Chief Commissioner consider that the rates, as shewn in table L. are too high, they are considerably less than are paid in the County Courts in England, and the Schedule by which the amount of the institution fee is regulated is fairer in every way than the one which preceded it. By the Statistics of the Reports of the Courts the

Chief Commissioner, is confirmed in the opinion which he had already formed that the new Schedule does not press too hardly on suitors, and it is undoubtedly fairer than its predecessor, which, on account of the large jumps it took, was exceedingly inequitable.

5. Receipts and Expenditure.

Rangoon Courts' Receipts.

46. The amount realized in the two Courts in Rangoon was Rs. 74,614, of which Rs. 69,323-6-0 was in Stamps. This is in excess of the amount received in Stamps in 1867 by Rs. 4,110-12-0, and is partly due to the greater number of cases instituted during the year, and partly to the new Schedule of the Stamp Act having been in force throughout the year. The amount paid into the Court as Tullabana has also increased, but very slightly, from Rs. 5,224-2-0 to Rs. 5,290-10-0.

Expenditure.

47. The expenditure as given by the Recorder (Appendix A) does not agree with that given by the Accountant General (Appendix C.), and the figures of the latter have been accepted. It is a curious fact that the figures given by the Accountant General hardly ever, it may without exaggeration be said never, agree with those furnished by the receiving and disbursing officers even when these figures relate to the amount of salary drawn. The following table has been prepared from the Receipts as shewn by the Recorder and the Disbursements as shewn by the Accountant General.

M. *Receipts and Disbursements, Rangoon Courts.*

Amount realized by Stamps:—							Recorder's salary	16,505	6	0				
Recorder's Court. ...	51,866	10	0				Establishment	11,754	1	8				
							Travelling allowance	96	0	0				
							Contingencies	1,294	5	5	29,649	13	1
Small Cause Court	17,456	12	0	69,323	6	0	Small Cause Court Establishment.	2,875	3	0				
Tullabana				5,290	10	0	Baiiiff	2,400	0	0	5,275	3	0
Fines				„	„	„	Balance Credited to Government				39,688	15	11
Total ...				74,614	0	0	Total ...				74,614	0	0

An increased Establishment for both Courts in Rangoon was sanctioned by Financial Resolution No. 2872 dated 18th May 1868, involving an increased monthly expenditure of Rs. 404. The reason of the Recorder's salary appearing so small is that the portion of the salary for December 1867 (drawn in January 1868), was paid to Mr. Broughton in advance in December 1867, during which month he obtained leave of absence, and having resigned his appointment in November 1868, no pay was drawn in December 1868. The charge for travelling allowance, Rs. 96, was on account of passage money to the Recorder on his joining his appointment. Owing to fortuitous circumstances the expenditure in the Rangoon Courts in 1868 was less than in 1867, and that notwithstanding that an increased Establishment was sanctioned during the year.

The recommendations which were made to Government regarding the Establishment of a Small Cause Court would, if sanctioned, involve an additional annual expenditure of Rs. 13,644. Even if the receipts did not increase, and they undoubtedly will increase as more suits are instituted, this increased expenditure could well be met.

Maulmain Courts Expenditure.

48. The expenditure on account of the two Courts in Maulmain is given by the Recorder in the19th paragraph of his Report as Rs. 35,834-90. This differs from the amount as reported by the Account General which is Rs. 34,340-12-9 (appendix D). Accepting the Accountant Generals figures, the following table will give the receipts and expenditure.

N. *Receipts and Expenditure, Maulmain Courts.*

Amount realized by Stamps:—							Salary of Recorder ...	20,000					
Recorder's Court ...	23,138	4	0				Establishment ...	12,239	11	3			
Small Cause Court ...	13,282	14	0	36,421	2	0	Contingencies	901	1	6			
Tullubana ...				3,748	2	0	Bailiff's Establishment ...	1,200	0	0	34,340	12	9
Fines ...				553	1	0							
							Balance...				6,381	8	3
Total...				40,722	5	0	Total...				40,722	5	0

Receipts.

49. The receipts in 1867 amounted to Rs. 35,768-0-9 ; there has therefore been an increase of about Rs. 5,000. The Tullabana receipts have very slightly increased, the fines have fallen by Rs. 700, and the value of stamps filed has increased by Rs. 5,600. In the regular suits instituted in the Recorder's Court the Stamp fees increased by Rs. 4600, and in the similar cases in the Small Cause Court by Rs. 2,285; or by Rs. 6,885 in all: it is evident therefore that they must have decreased in the Miscellaneous cases. The expenditure has increased by about Rs. 3,500,and not by Rs. 1,600 as would appear from Mr. Coryton's 19th paragraph. This is owing to his calculations of expenditure differing from those furnished by the Accountant General. In both years 1867 and 1868 the Recorder shews a larger expenditure than the Accountant General does. The Balance of receipts over expenditure in 1867, according to the Accountant General, was Rs. 3,416-0-8, this year Rs. 6,381 ; it has therefore nearly doubled.

From the foregoing tables it will be seen that although the value of the Stamps filed in the Court of the Recorder of Maulmain has increased, it is little more than half the value of the Stamps filed in the same Court in Rangoon, whilst the costs in the latter were only Rs. 600 or thereabouts more than those in of the former.

Expenditure compared with Budget Grant

50. The Budget Grant for the Courts was Rs. 68,804 for the year 1868-69, the actual expenditure during that year, which—it must be remembered, does not include the first 3 months on which this Report specially touches, and which does include 3 months of 1869,—amounted to Rs. 68,560. There was thus the small saving of Rs. 244.

III. General Remarks.

Report of Recorder Rangoon.

51. A large portion of the Report of the Recorder of Rangoon consists of remarks on the law in force and he records his opinion on several other matters without allusion to which this Review would not be complete. The points which seem to require special notice are those regarding (a) Act I of 1865;

(b) the codification of the law applicable to British Burma: (c) the appointment of a second Judge for the Recorder's Court; (d) the appointment by the Recorder of Ministerial Officers; (e) the necessity for revised Rules and Forms.

Acts in force.

52. (*a.*) The Recorder so reads Act I of 1865 that as by it "the Governor General was "empowered to extend to any non "regulation Province any act previously in force in British "India,.....the obvious implication is that none of such acts "passed previously are now in force unless extended to this "Province either under the authority of that Act or by "express legislative enactment." In the Chief Commissioner's opinion this is not the meaning of the Act: it was not intended to confine to a legislative enactment or to a Notification by the Governor General the extension of *all* Acts whether passed before or passed after it became law but to legalize the extension, by an order of the Executive Government, of an Act or of a portion of an Act, in force, *when it was passed*, in some portion only of British India, to any other portion to which its provisions are applicable, without the necessity of a special legislative enactment. It was not intended to mean that an act of general application throughout all India must be specially extended to each non regulation Province. The Chief Commissioner considers that every Act passed, at any rate since the annexation of the Province, the extent of which is not expressly restricted, is in force in British Burma, and he is aware, from letter No. 15 dated 4th January 1869 from the Home Secretary, that, this is the opinion of the Government of India. The Recorder raises the question of Crown and Settled Colonies: if the rule of constitutional law on this point holds good, as regards the Acts of the Legislative Council, for Provinces annexed to the Indian Empire, it would only prove that laws in force prior to the annexation did not immediately on annexation become the law of this Province, but it could hardly affect laws passed since (as Act III of 1857 for instance) for the whole of that is not specially restricted to some other portion of, British India.

Codification of Laws in force.

53. (*b.*) In the 20th paragraph of his Report the Recorder, having given his views as to the extreme difficulty of ascertaining what

laws are in force and what are not, suggests the advisability of a Code of Laws for British Burma, framed on the model of the three existing Codes. To collect into a Code the laws in force in Burma only and not in force elsewhere, and to leave uncodified the remaining laws which are in force in this Province as well as elsewhere would be, it appears to the Chief Commissioner, a barren labour or a political mistake. Codes of that law which is, comparatively speaking, unchanging, or Codes in a country where the law has reached that advanced stage that it follows the individual as far almost as is possible into the complicated relations of highly civilized life, are doubtless of great advantage in simplifying the expression of, and rendering easier both the knowledge and the application of, the law. It is different in a country not ready for the highly scientific and detailed laws of civilized countries. Where the laws require great and frequent alteration, new enactments are necessary every day, sometimes to supplement those already in existence, sometimes in lieu of those which have become useless from being fitted to a stage in the grade of civilization lower than that reached by the people. Any Code of substantive law framed for such a country would require constant and rapid change or become obsolete and a dead weight on its progress, and the compilation of such a Code now would, therefore, be a barren labour. On the other hand to stereotype into a Code for British Burma all the law applicable, whether in force elsewhere or not, would, in the Chief Commissioner's opinion, be a political mistake. Such a course, generally adopted, would tend to break up the Empire instead of to consolidate it. And again as on the one hand it would be highly inconvenient and even dangerous suddenly to introduce into the whole country that comparatively yet but slightly complicated law which is required for the more civilized portions, the sea-port towns and for these only, so it would, on the other, be an impossibility to reduce the sea-port towns to a level with the interior of the Province. No single Code *could*, therefore, be applicable throughout British Burma and to carry out Mr. Housman's idea two Codes would be necessary, each of which would require continual and almost daily alteration.

54. *(c.)* In his 23rd paragraph the Recorder alludes to the necessity for the appointment of a second Judge for the Recorder's Court in Rangoon, as well as the appointment of a Small Cause Court Judge, and declares his opinion, formed after four months experience, that if a second Judge was appointed there would be sufficient work to occupy the time of both Judges. A close examination of the Statistics of the work done by Mr. Broughton last year, shows that, as far as it can be seen hitherto, it is premature to urge the appointment of a second Judge for the Court of the Recorder of Rangoon.

Appointment of a Second Judge for the Recorder's Court.

In 1868 one Judge, Mr. Broughton, disposed of 2607 Regular and 1217 Miscellaneous cases, or 3824 in all; that is actually 15 more cases than were on the files altogether in 1867 (3809), and 240 more than were on the files in 1866 (3584). It may be urged that the Recorder disposed of so many more cases in 1868 than he did in 1867 and in 1866 partly because they were many of them cases under Act V of 1866 and partly because many were Miscellaneous cases. The number of the latter in the Small Cause Court, exceeded those in 1867 by 93 but was less by 70 than in 1866. The number of cases disposed of under Act V of 1866 was 277. Putting on one side the Miscellaneous cases, and deducting from the Regular cases disposed of those under Act V of 1866, the number in 1868 was 2330, that is 39 more than in 1867 and 237 less than in 1866, and less by only 167 than were on the file altogether in 1867. It is true that there were no less than 433 cases pending at the close of the year, but of these 268 were on the Small Cause Court file, and of the 165 on the Recorder's Court file 82 were Act V of 1866 cases. Had there existed a Small Cause Court Judge, and Mr. Housman suggests a second Judge in his Court *as well as* a Small Cause Court Judge, the Recorder would have been relieved of the trial of no less than 2932 cases (of which 2112 were regular) that is, of the number of cases disposed of in the Small Cause Court during the year. It apppears from paragraph 23 that three days in the week are devoted by the Recorder to Small Cause Court work; when therefore a Judge is appointed to this Court the time at the Recorder's disposal for the performance of the work in his own

Court will be nearly, if not quite, double. Had this been the case in 1868, the Recorder would surely have been able to get through (allowing ⅓ more cases under Act V of 1866 for the 4 months during which the Act was not in force) 28.81 per cent. more suits, both Regular and Miscellaneous, and so have completely cleared his file. The work will undoubtedly increase as soon as a Small Cause Court Judge is appointed: the Recorder having more time at his disposal, more suits will be instituted by those who now prefer loss or arbitration to the long delays which occur; as Rangoon increases in prosperity more causes of action must arise; and in 12 months more cases will be instituted under Act V of 1866 than in the 8 during which it was in force: but that it will increase so rapidly as to necessitate the early appointment of a second Judge there are no satisfactory grounds to shew, and the appointment of a second Judge to dispose of 28.81 per cent more cases at the time when the Recorder is relieved from other work for 3 days in the week certainly could not be recommended to Government.

55. The appointment of a second Judge may, however, be looked at from a different point of view. The Revenue of the Province is rapidly rising, the administrative details necessary for its Government are being daily multiplied, and it may soon be necessary to devise some scheme by which the Commissioners of Divisions can be relieved of much of their judicial work, so that they may devote their time to their Executive duties as Revenue Commissioners. It has been found necessary gradually to relieve them of Police work—of Prison work—of Education—and lastly of the details of Sanitary reform; relief from their judicial work must soon be afforded them unless they are to become Judges altogether. This may, *perhaps*, be most conveniently effected by giving a second Judge to the Recorder's Court, and constituting it a High or a Chief Court; whether this would be advisable, or even feasible, need not now be considered.

Appointment of Ministerial Officers

56. *(d.)* In paragraph 25 the Recorder, alluding to Section 15 of the Recorder's Act, states that the power therein given to him to appoint clerks and other ministerial officers is illusory, as he cannot "appoint or ~~create~~ salaries, at least not without

sanction

"more difficulty than most men would care to encounter." There is no doubt that the Recorder cannot, under any circumstances, "appoint or increase salaries," so as to entail increased expenditure on Government. This is a power which the Local Government does not possess, nor, as long as the Revenues of the Empire are administered on the present system, is it, in the Chief Commissioner's opinion, advisable that any subordinate authority should possess this power. This Section was not intended to give the Recorder power to "increase and appoint salaries," but to appoint individuals to, and dismiss them from, already existing offices, and as he can do this at any moment, the Chief Commissioner cannot concur with the Recorder, that the power given to him by Section 15 is illusory.

Forms and Rules

57. *(c)* The Recorder considers that forms and Rules for his Court are urgently required, on the appointment of a Small Cause Court Judge he will have time to go over the elaborate Rules and Forms prepared last year by his predecessor, Mr. Broughton, but which were not finally revised and sanctioned.

Report of the Recorder of Maulmain Stamp Act

58 In paragraph 20 of his Report the Recorder of Maulmain remarks, as he did in para 23 (*d*) of his Report for 1867, on the heavy duty imposed on Plaints by the new Stamp Act (XXVI of 1867), and in support of his opinion that it has led to the extensive practice of filing arbitration bonds states that such bonds were filed in 14 cases, the aggregate value of which was Rs 1,64,603-6-0, the value of the Stamps on which, had the suits been regularly brought would have been Rs. 6,578, which were thus lost to Government But to form such a deduction merely from the fact of these bonds having been filed since the Act was passed is to argue on an undue assumption. The Recorder ignores that which was noticed by the Chief Commissioner last year, that the technicalities of law and procedure in the Court are strongly objected to, especially by Natives of India and Burma, who, unlike Englishmen, are totally unaccustomed to the nice distinctions and forms of English practice. Even were the Recorder right, it would be no argument for decreasing

the amount of the institution fee unless it could also be shewn that litigants or intending litigants are prejudiced by its largeness, more especially when it is borne in mind that a reduction, to be any of practical effect, must be at least large enough to out balance the small gain of Rs. 6,578 which would have resulted from these suit being brought into Court *ab initio*. The question of the largeness of the fee has been treated of in paragraph 45.

Signing processes.

59. The Chief Court of the Province has given a ruling on the point noticed by the Recorder in his 21st paragraph, and the Executive Government has in no case, as far as is known, taken any action in the matter, but the Chief Court having ruled that the Recorder's signature is necessary the Executive Government will abide by that ruling. The question of affixing an autograph Stamp to a document has been submitted to the Government of India in the Financial Department by the Accountant General, but no orders have yet been received on the subject *(a)*. As Mr. Coryton points out there is little saving of time if the Judge has to be present when the seal is imposed, and to leave in the hands of a subordinate ministerial officer an autograph seal, the imposition of which will have all the effect of a sign manual, is a practice fraught with danger..

Certain remarks inappropriate

60. The subject alluded to by the Recorder in his 22nd and 23rd paragraphs, should not, in the Chief Commissioner's opinion, have appeared in a Report on the working of the Courts. The Government of India is aware that the scheme of opening a trade route with China viâ Bhamo, has, up to the present moment, neither failed nor been abandoned. The Chief Commissioner, as at present informed, is not disposed to recommend to Government the despatch of a Commission or Mission to Zimmay to make commercial agreements with the Chief of that State.

(a) Since this was written a copy of letter No 1082 dated 12th June 1869 has been received from the Under Secretary to the Government of India in the Financial Department directing the Accountant General not to make payments on a Stamped signature, and a copy has been forwarded to each Recorder.

61. The subject matter of paragraph 25 of the Recorder's Report should not have been entered in its present form, though there would have been no objection to the Recorder noticing that it was under consideration. Propositions of this kind should be brought forward in a separate and distinct communication, when they will receive full attention. The same question was raised in paragraph 74 of Mr. Coryton's Report for 1867, and this was one of those matters alluded to in paragraph 31 of letter No. 84-10, dated 19th June 1868, to the Secretary to the Government of India in the Home Department, which contained the review of the Recorder's Reports for 1867, but it was not then thought necessary to particularize it.

A. FYTCHE—Major General C.S.I.

Chief Commissioner British Burma

Agent to His Excellency the Viceroy & Governor General

Rangoon, 20th June 1869.

REPORT

OF THE

RECORDER OF RANGOON.

FOR THE YEAR 1868.

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1. I have the honour to submit the Annual Report for 1868 respecting the business in the Court of the Recorder of Rangoon.

2. I entered upon the duties of the Recordership on the 7th January this year, relieving Colonel Ardagh, Commissioner of Pegu, who had officiated since Mr. Broughton resigned about two months previously. The business of the year had mainly been transacted by Mr. Broughton, and, from what has come before me, I can testify to the great assiduity with which he performed his duties.

3. I should premise that I know very little of the actual working of the Court in 1868 beyond what I gather from the cases that stood over and have been heard by me and, therefore, the remarks I have to make must be given from a general point of view.

4. A comparison of the number of suits instituted in 1868 in the Recorder's Court or the Small Cause Court (as they are generally but erroneously designated) with the number instituted in 1867 in the same courts respectively (taken separately) would be apt to mislead, and that for the following reasons:—

5. Properly speaking, there is no Small Cause Court; but, in practice, the suits are divided into cases above Rs. 500 and cases below that amount, and three days in a week are set apart for hearing the smaller Causes. According to the present constitution of the Court there ought to be no such distinction.

6. The Recorder's Act, XXI of 1863, by S. 11 gave the Recorder Jurisdiction over suits of every kind, large and small, with procedure expressly (S. 20) according to Act VIII of 1859 (Code of Civil Procedure) as amended by Act XXIII of 1861. The Recorder's Act further (S. 31,) authorized the Governor General in Council to appoint a Registrar who should have power to hear and determine Suits brought in the Recorder's Court not exceeding in value Rs. 200 (afterwards increased to Rs. 500) and, by S S. 35 and 36, the procedure before the Registrar was to be according to Act XLII. of 1860 (the Small Cause Court Act.) For some time after the appointment of the first Recorder, Dr. Clarke, all suits came before him. A few months later, a Registrar was appointed by the Governor General in Council and the business of the Court was divided. But, in October 1866, at Dr. Clarke's request, the Registrar was removed and the whole of the business fell again into the hands of the Recorder.

7. Previously to that event there had been passed Act III of 1866 to confer "increased powers on the Registrars of the Recorders Courts in British Burma" and Section 12 of that Act provided that, as to Small Causes, all or any of the powers and duties thereby, or by S S. 35 and 36 of the Recorder's act, conferred and imposed on the Registrar might be exercised and performed by the Recorder of the Court to which such Registrar was attached.

8. This, of course, conferred no new power on the Recorder, for he, previously, had jurisdiction over all suits large and small; but was intended, I presume, to enable the Recorder, having a Registrar actually attached to his Court, to act, in case of necessity, for such Registrar and dispose of cases according to the same procedure which the Registrar was accustomed to exercise.

9. When, upon the removal of the Registrar, the whole of the business relapsed, as stated above, into the hands of the Recorder, cases under Rs. 500 continued to be heard separately in what was still called the Small Cause Court in which the procedure was regulated according to the provisions of the Small Cause Court Act.

10. One consequence of this was that the files of the Recorder's Court, as I will continue to term it, began, in May 1868, to be crowded with a vast number of suits under Act V of 1866 (which then came into operation here)—Suits on Bills of Exchange and Promissory notes of every amount from Rs. 3 upwards. The easy remedy under that Act caused a great number of Promissory notes to be used in business in Rangoon and, as the order extending Act V of 1866 mentioned the Recorder's Court and the small cause Division was supposed to be a separate Court, all suits under that Act were brought in the Recorder's Court, (as distinguished from the, so called, Small Cause Court,) thereby greatly obstructing the heavier business.

11. To arrive at a proper statistical comparison it is necessary, therefore, to take cases of every kind instituted in both divisions of the Court in each year. Thus taken, it appears that the number of suits instituted in 1867, whether for sums above or below Rs. 500, was 3,654 and, in 1868, 3,920 shewing an increase in 1868 of 266 cases.

12. The number of cases that stood over at the end of 1867 was 354 and at the end of 1868 450.

13. I have endeavoured to point out the condition of affairs as regards the two divisions of the Court with some distinctness because I have been given to understand that some legislation on the subject is expected and it is very desirable that such legislation should not be of that incoherent style which has been common in India.

14. Sometimes it is very difficult to ascertain what statutes are applicable to Rangoon or to discover by what law questions arising in the Recorder's Court are to be decided. By S. 21 of the Recorder's Act "all questions as well of fact "as of law or equity shall be dealt with and determined ac- "cording to the law administered by the High Court of "Judicature at Fort William in Bengal in the exercise of its "ordinary original civil jurisdiction" with a proviso as to cases relating to marriage inheritance or succession which are to be determined by the law or usage which would have been applied thereto if such question had arisen in any other Court in British Burma than a Recorders Court. The law there-

fore appears not to be uniform throughout the province but in and around Maulmain and Rangoon to be governed by the intricate system which is thus set forth in a Judgment of the High Court reported in the 1st volume of Hyde's Reports, p. 51;

1. The Common Law as it prevailed in England in 1726 and which has not subsequently been altered by Statutes especially extending to India;
2. The Statute Law which prevailed in England in 1726 and which has not subsequently been altered by Statutes expressly extending to India;
3. The Statute Law expressly extending to India which has been enacted since 1726 and which has not been repealed;
4. The Civil Law as it obtains in the Ecclesiastical and Admiralty Courts in England;
5. Regulations made by the Governor General in Council under the 13 Geo. 3, c. 63, S S. 36 & 37; 39 & 40 Geo. 3, c. 79, S. 18 and 53 Geo. 3, c. 155, S S 98 & 99;
6. The Hindoo Law in all civil actions in which a Hindoo is defendant;
7. The Mahomedan Law in all civil actions in which a Mahomedan is defendant;

and in the rest of the Province by some other system. (*a*)

15. There is, however, no admiralty jurisdiction vested in the Recorder's Court except in cases of salvage of life in which the claim does not exceed £200. There is likewise no jurisdiction in bankruptcy. At least, it has been so held by my predecessors and there certainly is no machinery provided for working out details in cases of bankruptcy; but, as some of the statutes relating to bankruptcy date from the reign of James 1st and earlier, I do not understand why, under the authority above quoted, jurisdiction, in such cases, was not included in the Law administered by the High Court at Calcutta at the time of the passing of the Recorder's Act.

16. But, in truth, the Statute Law applicable to the Province is that which is the most difficult to define. By Act I of 1865 the Governor General in Council was empowered to extend to any non-Regulation Provinces any act previously in force in British India. The obvious implication from this enactment is that none of such acts passed previously are now in force in Rangoon, unless extended to this Province under the authority of that act or by express legislative enactment. This I take to be consonant with the law on the subject as it is laid down in Stephens' Commentaries Vol. I p. 110 (6th ed.) where the learned author says, "In the case of a co-"lony acquired by occupancy, acts of Parliament passed be-"fore its acquisition come into force immediately upon that "event, as part of the general law of England,—as to all pro-"visions, at least, not unsuitable to its social circumstances.

(*a*) The Judgment of Markby J. in a case reported in 1 Beng. L. Rep. (orig: civil) 89 shows still further the great uncertainty which prevails as to the law of India.

" But it is otherwise in a colony won by conquest or cession
" which remains (as we have seen) subject to its own pre-ex-
" isting laws and is not, in general, affected by Statutes of the
" United Kingdom passed before its acquisition."

17. A Suit instituted in 1868 touching upon this point came before me for decision. It was for the recovery of money deposited in the hands of a stake-holder to abide the result of a horse-race, the total subscription not amounting to Rs. 500. It was urged for the Plaintiff that Act VIII of 1867 did not apply, because the preamble to it showed it was only to exempt certain transactions connected with horse racing from the operation of Act XXI of 1848 *(for avoiding wagers)* and that the last named act did not extend to Pegu because it was passed before the annexation of the Province took place and no proclamation of the Governor General had extended that act to British Burma.

18. The Plaintiff's contention would, if valid (as it seemed to me at the time to be), have brought into play certain English statutes of the time of Anne or William 3rd, but, happily, the case went off on another point. Yet, on other occasions, I have been assured that some of the older English statutes are in force in Calcutta, and consequently in Burma, though in England they may have been repealed.

19. The provisions in the Recorder's Act to the effect that questions of marriage shall be determined by the local law brings cases of Divorce between natives of Burma, within the Damathat or Book of the laws of Menoo, a code which, on such points, is admirably adapted to the social requirements of the Burmese. By "The Indian Divorce act" jurisdiction has been given to this Court in cases of Divorce when the marriage was solemnized in India and one of the parties was at the time of the marriage or has since become a Christian and this jurisdiction, until a Recorder of Akyab is appointed, extends over Arracan. As regards Mahomedans, questions of marriage and divorce are decided according to Mahommedan Law. A decree which may hereafter have in Burma a wide application was made on this subject during the past year. The decision, which was canvassed in every possible manner in subsequent litigation between the same parties, was to the effect that marriage between a Mussulman and a Burmese woman was null and void, unless the

woman bonâ fide and absolutely renounced her Bhudist creed and became Mahommedan, the Mahommedan law providing that marriage between a Mussulman and a worshipper of images is illegal.

20. Not only does it seem that but a small portion of the statute Law to which British India is subject is applicable to Burma but, judging from the reports of cases decided in the several High Courts of the Presidencies, it would seem that nine tenths, at least, of the local law and custom having the force of law in India or different parts of India have no corresponding subject matter and, therefore, no force or application in Rangoon. Having regard to this difference and the apparent want of uniformity in the law administered within the local limits of this Court and that administered beyond those limits, I cannot refrain from expressing my strong conviction that the law applicable to British Burma should be codified. The work would relieve the Law from much of its present uncertainty and make it intelligible to the population generally and accessible to all. In England, codification is in progress, even as regards civil rights, and it might be advantageous to follow the course of legislation in England, but that, in England, the codification of the law must, necessarily, be a work of considerable time, owing to the minute distinctions which advanced civilization creates in law. However, I see no reason why a code suitable to the wants of Burma should not speedily be framed, either upon the French model or otherwise, by way of supplement to the three Codes already in force.

21. This codification is the more desirable as regards British Burmah, inasmuch as the Province lies beyond the natural boundary of India and, as a British Province, is now in its infancy, with a population well affected to our rule and having language, habits and customs differing from those of the people of India. Moreover, Rangoon is the Centre of an increasing trade which bids fair to make it the Liverpool of the East and, should the proposed Railway communication with the interior be effected, would become a port of the first order in regard to the trade of the world. It is, therefore, of the last importance that the commercial relations of the place should be fostered and governed by a clearly defined system of law

22. The Revenue of the Court for the year 1868 amounted to Rs. 74,614 and the expenditure to Rs. 34,720-3-3 shewing an excess of receipts over expenditure 39,893-12-9. I observe in Mr. Broughton's report for 1867 that in the year 1866 the expenditure exceeded the receipts by Rs. 719-6-0 and that in 1867 the receipts exceeded the expenditure by Rs. 35,295-12-0. The increase in 1867 was in part due to the abolition of the office of Registrar with jurisdiction as a Small Cause Court Judge and the saving of Rs. 7,200 thereby effected—a saving which was, in every respect, bad economy.

23. I am informed by persons capable of forming an opinion on the subject that the revenue of the Court would be largely increased if it were possible to bring a case to a conclusion within a reasonable time. At present, that is impossible. The three days a week on which the so-called Recorder's Court sits are almost entirely occupied with miscellaneous and interlocutory applications and short causes heard upon summons for final disposal. The heavier business of the Court is, practically, at a stand still. I have presided as Recorder for four months and, in that time, I believe, not six suits in which issues had been settled have been decided. Yet I am told by some of the bar that the miscellaneous business was never disposed of more quickly. The fault is in the system and, I believe, that, if, besides a Small Cause Court Judge, there were two Judges here in the principal Court, sitting separately in cases of original jurisdiction and together on appeals, there would be sufficient business to occupy the whole of their time. It is quite certain that the complete deadlock which at present exists, owing to it being utterly impossible for one Judge to cope with the work, prevents the institution of a suit except under circumstances in which such a course is the only possible mode of settling a dispute.

24. That this is the case I have been assured by Mercantile men of the first standing in Rangoon and they complain of the condition of affairs with the more severity because the finances of the Court are in a condition to justify the expenditure necessary for the establishment of a better system of administration; while, as regards small causes, I am credibly informed that the native population prefer to refer their disputes to arbitration amongst their own people, or to the decision of the elders of their quarter, rather than submit to

the delay which is now the inevitable consequence of the institution of a suit in any case not falling within Act V of 1866. Thus there is lost to the Government a large amount of stamp duty and to the community is gained a practical confirmation of the aphorism, *Magnum vectigal parsimonia*

25. The great increase in the business of the Court gives so much more labour to the officers of the Court than they formerly undertook that they complain of it and desire either more assistance or increased remuneration. Under S. 15 of the Recorder's Act, the Recorder is empowered to appoint clerks and other ministerial officers; but the power is illusory, as he cannot appoint salaries or increase them; at least, not without more difficulty than most men would care to encounter. It may be hoped, however, that, when a change in the constitution of the Court is effected, this matter will be well considered.

26. By Act III of 1866 the Recorder has power to make and issue general rules for regulating the practice and procedure of the Court and to prescribe forms for proceedings therein. Such rules and forms are urgently required to be made or revised, but it is impossible to spare time for the work without altogether putting a stop to the business of the Court.

27. As regards the Criminal business of the Court during the year 1868 there is little to call for observation. There were 19 appeals from convictions by the Town Magistrate of Rangoon and one original case in the Recorder's Court as a Court of Sessions. This was a charge of Murder against a Madrassee man who had killed his wife and afterwards mutilated the body. He was found guilty and, as the late learned Recorder saw no reason to be dissatisfied with the verdict. was executed.

28. In conclusion, I may say, the number of suits instituted in the first three months of 1869 shows an increase of 120 on the number instituted within the same period in 1868. The criminal business has also very much increased since the beginning of this year.

F. HOUSMAN,

Recorder.

Rangoon 12th May 1869.

REPORT

OF THE

RECORDER OF MOULMEIN.

FOR THE YEAR 1868,

CIVIL.

1. The number of Regular Suits disposed of in the Recorder's Court during the year was 153, involving an amount of Rs. 4,50,171-1.

The number of Suits instituted during that period was 163, involving an amount of Rs. 4,88,872-7.

The arrears were, at the commencement of the year, 17 cases, amounting to Rs. 92,840-15.

The arrears at the conclusion of the year were 27 cases, amounting to Rs. 1,31,542-5. Of these 11 cases involving Rs. 73,000 were "Mhineloongyee cases," or cases arising out of the litigation consequent on Captain Burn's invasion of the Shan Territory in 1865. The recent decision of the High Court on appeal (No. 48 of 1868) confirming the decision of this Court in Civil Regular No. 184 of 1865 will, I apprehend, very materially assist in bringing this enormous litigation to a close.

2. In the Small Cause Court there have during the year been disposed of 1671 suits, involving an amount of Rs. 1,09,451-11-0.

Within the same period there have been instituted 1693 suits, involving Rs. 1,12,014-12-0.

There were arrears on the 31st December 1867, 45 suits amounting to Rs. 3,930-12.

The arrears on the 31st December 1868, were 67 suits amounting to Rupees 6,493-13.

3. The following was the state of the Regular file on 1st January 1868 and 1869 respectively:

1st January.	1868	1869
Recorder's Court, ...	17	27
Small Cause Court, ...	45	67

showing an increase of 10 pending in the Court of the Recorder, and of 22 in the Small Cause Division.

4. The increase of pending suits in the Recorder's Court is attributable to the large number (11) of Mhincloongyee suits on the file, which from various causes could not be brought to trial during the year.

The increase in the Small Cause Court was caused by the large number of Cases instituted towards the close of December 1868, which cases had necessarily to be fixed for hearing in the ensuing month.

The suits thus spoken of as pending are such as for want of parties, or evidence, or such like cause, are not yet ready for decision. Every case ripe for hearing has been heard.

5. The number of regular suits instituted during the past two years shows an increase of 34 in the Recorder's Court, and of 264 in the Small Cause Division.

	1867	1868	Increase.
Recorder's Court	129	163	34
Small Cause Court	1,429	1,693	264
Total...	1,558	1,856	298

6. The number of Regular Suits decided on trial and finally disposed of in the years 1867 and 1868, shows a decrease of 5 Suits in the Recorder's Court, and an increase of 214 in the Small Cause Court.

	1867	1868	Increase.	Decrease.
Recorder's Court	158	153	,,	5
Small Cause Court	1457	1671	214	,,
Total .	1615	1824	214	5

7. There were 6 cases (all Mhineloongyee cases) pending above one year in the Recorder's Court, and none in the Small Cause Court.

8. The state of the Miscellaneous file on the 1st January 1868 and on the 1st January 1869 was as follows :—

1st January,	1868	1869
Recorder's Court	16	10
Small Cause Court	15	8

showing a decrease of 6 cases pending in the Recorder's Court and of 7 cases in the Court of Small Causes.

9. The number of Miscellaneous cases instituted and disposed of in the years 1867 and 1868 shows a decrease of 75 instituted and of 64 disposed of in the Recorder's Court, and an increase of 84 instituted and of 93 disposed of in the Small Cause Division.

Courts.	1867					1868.				
	Pending at the close of 1866	Instituted.	Total.	Disposed of.	Pending at the close of 1867	Pending at the close of 1867.	Instituted.	Total.	Disposed of.	Pending at the close of 1868.
Court of the Recorder .. .	11	465	476	460	16	16	390	406	396	10
Court of Small Causes.	13	761	774	759	15	15	845	860	852	8
Total.	24	1,226	1,250	1,219	31	31	1,235	1,266	1,248	18

10. There were 3 applications for new trial and review of judgment granted, during the year under review, in the Court of the Recorder, and 8 in the Small Cause Court, all of which were disposed of.

11. The total value of Suits instituted in both Courts was Rupees 6,00,887-3.

Recorder's Court.	4,88,872	7
Small Cause Division, ...	1,12,014	12
	6,00,887	3

The total value of Suits disposed of was Rs. 5,59,622-12

Recorder's Court, ...	4,50,171	1
Small Cause Division, ...	1,09,451	11
	5,59,622	12

The value of suits pending in both Courts at the close of the year amounted to Rupees 1,38,036-2.

Recorder's Court, ...	1,31,542	5
Small Cause Division, ...	6,493	13
	1,38,036	2

12. The aggregate value of property in litigation within the year was estimated at Rs. 6,97,658-14-0.

The number of suits instituted on a supposed population of 64,642 souls (exclusive of Kadoe which numbers 1803 souls) will be in the proportion of 1 to 34.

The average value of each suit disposed of was, in the Recorder's Court, Rupees 2,942, and in the Small Cause Court, Rupees 65.

The per centage of costs on the value of suits disposed of averaged 8⅛ per cent, or taking the costs of each Court separately, in the Recorder's Court 6½ per cent, and in the Small Cause Court 16 per cent

13. The average duration of each suit disposed of was, in the Recorder's Court, 38 days, and in the Small Cause Court 11 days. These averages however, do not represent the ordinary duration of suits in these Courts, and I have therefore caused a separate calculation to be made, excluding 24 suits in the Recorder's and 80 in the Small Cause Court which have been exceptionally long. The following material reduction of the averages was the result.

Recorder's Court, ...	18 days.
Small Cause Court	9 days.

Nearly one third of the Recorder's Court cases, from which the reduced average has been obtained, was disposed of within a week from institution.

14. The longest period a case has lasted in the Recorder's Court was 852 days. This case (C. R. No. 185 of 1865) was the Second Mhineloongyee case already referred to. It had been pending over a year when it first came before me, and from a variety of causes, the principal of which were the issuing of a Commission to examine witnesses at Bangkok, and the inability of the Plaintiffs to procure their witnesses, another year elapsed ere the Suit came to trial.

15. The longest period a case has lasted in the Small Cause Division of the Court was 164 days. The summons in this case (C. R. No. 1155 of 1867) was twice sent to Coconada, one of the Northern Ports on the Madras Coast, the service of the first summons not having been considered good by the Court.

16. The causes which have led to the excessive duration of these and other exceptional suits were, I think, wholly beyond the control of the Court. The migratory habits of the natives of India, who form by far the most litigious section of the population of this town, renders it necessary, frequently, to forward processes to distant places for service. Evasion of service is another difficulty the Court has had to contend with. As many as 6 summonses (the time allowed for the return of each being ordinarily a week) have been issued in some cases, where, from the carelessness evinced by the plaintiff, the Court has entertained doubts of his having taken proper steps to ensure service of the process taken out by him.

CRIMINAL.

17. There were tried during the year under review, 7 Sessions cases and 17 Criminal Appeals from the sentence of the Town Magistrate.

The result of Appeals disposed of during the year, and the number preferred in it, are given in the tabulated form below.

One appeal remained pending at the close of the year.

Name of Officer.	Pending at the close of 1867	Preferred during 1868	Total.	Rejected	Confirmed	Modified.	Reversed.	Remanded.	Pending at the close of 1868.
J K Macrae, Esq		17	17	6	7	1	3	*2	1

18. The original criminal business has been light, there having been only 7 cases. Of the 16 persons committed to this Court for trial, 13 were convicted and 3 acquitted The offences they were charged with were as follows:...

Offences.	No. of persons.
Forgery	1
Murder	1
Selling a minor for the purpose of prostitution	1
Aiding and abetting do.	2
Buying a minor for the purpose of prostitution	1
Dacoity	6
Aiding and abetting dacoity	
Voluntarily causing hurt by dangerous weapon	2
Theft and aiding and abetting theft	2
TOTAL... ..	16

The heaviest punishment inflicted was 7 years rigorous imprisonment.

See Appendix B

19. The total revenue of the Courts for the years 1867 and 1868 will be seen by the following tables.

1867.

Receipts.			Disbursements.		
Amount realized by Stamps.			Recorder's Salary	20,000	0
Recorder's Court 20060-9			Cost of Establishment...	11,384	7
Small Cause			Do. Bailiff's do. ...	720	0
Court..... 10,761-3	30,821	12	Contingent expenses ...	2,047	0
			Travelling allowance ...	108	0
Do. by Tullabana...	3,672	8		34,259	7
Do. by Fines.....	1,274	5	Surplus of receipts over expenditure	1,509	2
Total Rs...	35,768	9	Total Rs...	35,768	9

1868.

Amount realized by Stamps.			Recorder's Salary	20,000	0
Recorder's Court 23,138-4			Cost of Establishment...	13,560	0
Small Cause			Do. Bailiff's do. ...	720	0
Court.....13,282-14	36,421	2	Contingent expenses	1,554	9
				35,834	9
Do. by Tullubana...	3,748	2	Surplus of receipts over		
Do. by Fines.....	553	1	expenditure.....	4,887	12
Total Rs...	40,722	5	Total Rs...	40,722	5

It would appear from these figures that the revenue of the Courts had in 1868 increased by Rupees 4,953-12, and that a surplus nearly equivalent to the increase has been left, though the expenditure exceeded that of the preceding year.

20. The very heavy Stamp duty imposed on plaints by the New Stamp Act (XXVI of 1867) has led as I expected (see para 23 *(d)* of my report for 1867) to the extensive adoption of the practice of filing awards of private arbitration under Section 327 of the Civil Procedure Code, no less than 14 suits, the value of which amounted to Rupees 1,64,603-6, having been filed in the Recorder's Court in the course of the year. The stamp duty on the plaints in these suits would have been Rs. 6,578. In the Small Cause Court, where the

stamp duty presses less heavily, this course of practice has not been much resorted to, there having been only 3 suits of a similar nature instituted during the year.

I have already stated the generality of the complaint made by suitors in respect of the stamp duties.

21. I would ask, respectfully, His Excellency's early attention to paragraph 8 of my last Report, as the action taken by the Local Government in the matter throws upon the Judge here a very heavy amount of merely mechanical work. I have signed on occasions as many as 98 processes in a single day My colleague of Rangoon, I notice, uses a stamp ; but even this plan involves (if it is supposed that the Judge must be present when it is imposed) attendance at the Court until all the processes are ready for signature, or a very considerable delay of ordinary business. On Saturday, even when the Court is not sitting I am obliged to be in attendance to sign the processes.

22. In my last Report I ventured to remark on the effect on litigation in timber cases of the lawless state of society N. of the Thoungyeen. Since that date, important events have happened which will have no doubt been brought to His Excellency's notice by his agent. I would note that the disorder in the N. district of this Province and the action recently taken by the Chief of Zimmay with reference to British subjects (see Appendix, Proclamations A and B) are apparently the direct result of the lawless proceedings of Burn's party in 1865. The subject so far as the litigation of timber cases is concerned is involved in much difficulty and I would suggest the advisability of a Commission to examine into and report on the best mode of arranging with the Forest Chiefs regulations for the timber trade of these provinces.

23. The indirect result of such a Commission would, I am persuaded, be productive of advantages at present little contemplated with reference to the grand *desideratum* of establishing direct overland intercourse between China and the Bay of Bengal. The failure (and I presume abandonment) of the Bhamo scheme for effecting this object by way of the Irrawaddy will, doubtless, induce H. M's. Government to devote additional attention to the facilities afforded by this port and province for the attainment of so desirable an end

The country is well known and there are no geographical difficulties to be overcome so far as the Tenasserim route is concerned. For many years the Foresters and Merchants of Moulmein have been in the habit of visiting Zimmay (it can be reached from this in from 12 to. 15 days) where the Chinese traders hold their annual fair, and it clearly requires only a good understanding between the British authorities in Tenasserim and the Chief of Zimmay to expand into a practicable channel of commerce between the interior of China and this Port the petty trade that has for years existed between this Port and Zimmay. The obstacles to the establishment of a regular trade by this route consist simply in the unsettled state of the country between this and Zimmay and the obstacle can at any time be removed by the concerted action of the British Government and the King of Siam.

24. During the argument of a recent case (C. R. No. 22 of 1869) counsel pressed strongly on the Court that the powers prescribed in Section 4 of the Registration Act (XX of 1866) not having been extended to the local government of British Burma, the Registry Offices in these provinces (working under Rules framed by the local government) have not been duly legalized. From the turn taken by the case, it was not necessary for me to determine the question, but it appeared to me that the objection was well founded. Should this be the case, I trust that the early attention of Government will be directed towards remedying the defect, as a declaration by this or the Rangoon Court would be productive of very serious consequences to title.

25. I would draw the attention of Government to para 74 of my Report for 1867 as to the necessity for increasing the pay of the peons of this Court, and thus procuring a more responsible class of men for the important duties they are required to discharge. I would therefore propose for the consideration of Government that the rate be raised to Rs. 15 as suggested in my last Report (see para 74). This can be effected at the very moderate monthly outlay of Rs. 50, of which Rs 30 would be chargeable to the tullabana fund (the receipts of which amounted in 1868 to Rupees 3,748-2, while the charges on it were only Rs. 720) and Rs. 20 to the Imperial Revenue. The proposed rate of pay will suffice to secure men of a more

respectable class than those at present on the establishment of the Court.

J CORYTON,
Recorder.

Moulmein, the 26th April, 1869.

APPENDIX. A.

FOR THE INFORMATION OF THE PUBLIC, SHOAY-NAN-SHIN, OF THE TOWN OF ZIMMAY PROCLAIMS THE FOLLOWING ROYAL NOTICE:—

The Ruler and Governor Shoay-Nan-Shin hereby gives information to the Governor or Commissioner, Deputy Commissioner, Assistant Commissioner, and all the Authorities of Moulmein, that He, Shoay-Nan-Shin being in friendship with them, having given permits to Merchants or Thit-goungs of Moulmein to cut Teak Timber in the Forests within Mhinelongyee Jurisdiction, now desires that the Governor or Commissioner, Deputy Commissioner, Assistant Commissioner, and the Authorities of Moulmein will call and give Notice to the Merchants or Thit-goungs to remove drag and take away all their Timber which they have cut during the year 1229. That they shall not be allowed to cut or work in the forest after that year, and all former orders or Permits already given are hereby cancelled. That all Thit-goungs shall return such orders and Permits given to them to Shoay Nan Shin. Any Merchants wishing to continue to work Timber they may make their application to do so and the application to be accompanied with Presents to obtain orders or Permits from Shoay Nan Shin of Zimmay, when orders or Permits will be given to them for one year—and should such orders or Permits be mortgaged or sold to any party or parties, and such party or parties whoever received or obtained such orders or Permits cut or work Timber in the Mhinelongyee jurisdiction all their property whether Timber or Elephants belonging to such party or parties will be taken possession of by Shoay Nan Shin of Zimmay. No person or persons shall be allowed to cut or work any Timber who has or have not been duly authorized to do so but only will be allowed to those in whose names such Orders or Permits have been

granted. If any persons without having their names in such Orders or Permits shall cut or work any Timber, they shall be accordingly dealt with. All persons who have obtained Permits being unwell or sick shall return their Permits to Shoay Nan Shin of Zimmay either by their children, grand children or nephews, with such notice, when Shoay Nan Shin knows of such being the case a fresh Permit will be issued to them. The reason is no permission can be given to work in any forests to those who have not killed or cut any timber or allowed them to work other people's timber—if they do cut or work any timber killed by other people they shall be punished and the Permit already given shall be taken back. All old Permits in whosoever's possession they may be, whether in the possession of Burmese Thit-goungs or other Merchants are hereby withdrawn since 1229. Agreeably to the letter of friendship conveyed to the Commissioner, whoever wishes to cut or work Timber he or they may apply for such Order or Permit and if Shoay Nan Shin be pleased to grant them he shall do so to the person whom he may think entitled to such. If any person shall come up to work any Timber under the old permits in violation of this notice, he shall be punished accordingly, as such permits are hereby withdrawn after the year 1229.

Dated 14th decrease of Wahsoe 1230 (17th July 1868.)

(L. S.) True copy,

J. DOUGLAS BAYLY,

Registrar.

APPENDIX. B.

The Governor of Zimmay informs the Commissioner, Deputy Commissioner, Assistant Commissioner and the Authorities of Moulmein, that from year 1230, the Talaing and Burmese Thit-goungs of Moulmein who shall come up for the purpose of cutting or working Teak Timber in the Mhineloon-gyee Forests will not be allowed to cut or work. The Governor of Zimmay cannot permit the Talaing and Burmese to work the Forests, because of the frequent fraudulent cases got

up by them, and only people of Zimmay will be allowed to cut or work the said Forests. The Governor of Zimmay has no wish to prevent any Talaing or Burmese Thit-goungs from Moulmein with ready money from purchasing Timber. The Commissioner and Authorities of Maulmain are requested on receipt of this letter to make known to all Burmese and Talaing Thit-goungs that they must during the year 1230 cut drag down and take away all the remaining Timber which they had previously worked in the said Forests as they will not be allowed to cut or work there in 1231. After the commencement of which year the Timber from the said Forests will be sold to any one bringing the money for the same. Any person who has money and wishes to purchase Timber may come up and do so.

13 decrease of Natdaw, 1230.
(11th December 1868.)

(True translation.)

(Sd.) A. G. DUFF,
Deputy Commissioner,
In charge Commissioner's Office,
Tenasserim Division.

(True copy.)
J. DOUGLAS BAYLY,
Registrar.

RETURNS.

No. 1.

ANNUAL General Statement of the Recorder of Rangoon for the year ending December 1868.

Offence.			Under trial at the close of the year.		Committed to the Sessions during the present year.		Received from other quarters.		Total number of persons under Trial	Disposed of.							Under trial at the close of the year.			
Class.	Authority.	Description.	Cases.	Persons.	Cases.	Persons.	Cases.	Persons.		Commitment Cancelled.	Referred to the Sudder Court.	Convicted	Acquitted.	Died.	Escaped.	Transferred.	Persons. Cases.	In custody.	On Bail.	On Cognizance.
1	2		3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
A		Non Bailable Punishment under I. P. Code.																		
	302	Murder.....	...	.....	1	1	.....	.....	1	.....	.....	1	.....	.....	.....	.....	.....	.....	.....	.....
		Total...	...	.....	1	1	.....	.....	1	.....	.....	1	.....	.....	.....	.....	.....	.....	.....	.....
			.....	.....	.....	.....	.....	.....	...	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
			.....	.....	.....	.....	.....	.....	...	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....

Rangoon, Recorder's Court, The 20*th May* 1869.

F. HOUSMAN, *Recorder.*

No. II.

ANNUAL STATEMENT of degrees of punishment inflicted by the Recorder of Rangoon for the year ending 31st December 1868.

Persons sentenced to																	Total amount of fines.				Note to No. II. Statement		
Transportation.			Imprisonment.									Find security.			Fine								
			From 14 years to 7 years:			From 6 years to 3 years.			Below 3 years.														
For Life.	For 14 years and above.	For 7 years and above.	Rigorous.	Simple.	With Fine.	Rigorous.	Simple.	With Fine.	Rigorous.	Simple.	With Fine.	For good behaviour.	To keep the peace.	Enter into recognizance to keep the peace.	From Rs. 5,000 to 1,000.	Below Rs. 1,000 to 500.	Below Rs. 500 to 200.	Below Rs. 200.	Imposed.	Realized.	Applied in compensation under Sec. 44, Criminal Procedure.		Persons sentenced to imprisonment.	With Stripes.	With Fine and Stripes
																					Ordered.	Paid.			
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	1	2	3
														Nil.											

RANGOON
Recorder's Court, The 20th May 1869.

F. HOUSMAN,
Recorder.

No. III.

ANNUAL STATEMENT of Appeals preferred to the Recorder of Rangoon during the year 1868.

District.	Office	Names of Officers.	Appeals from Convictions on Trial and from Orders under Chapters X and XIV, Code of Criminal Procedure.											Remarks.
			Pending at the close of last year.	Preferred during the present year.	Total.	Rejected.	Orders Confirmed.	Orders Modified.	Orders Reversed.	Returned for re-investigation.	Pending at the close of the year.	Longest Number of days that any Suit has been pending.	Date of oldest Case pending.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
	Town Magistrate..	Major A. G. Duff	1	...	1	.....	.....	1	.....	.....	.....	.....	.....	
	Do. ..	Do	.. ..	1	1	1	....	.....	.....	.....	.....			
	Do. ..	Do.	.....	1	1	1	....	.....	.....	.....	.....			
	Do. .	Do.	...	1	1	.....	.....	.....	1	.....	....			
	Do. ...	Do.	.....	1	1	1	....	.....	.....	.....	.....			
	Do ..	Do. . ..	. ..	1	1	.....	.....	.....	1	....	....			
	Do. .	Do.	....	1	1	1	....	.....	.....	.....	....			
	Do. ...	Do.	....	1	1	.....	1	.....	.....	.....	..	66 days.	The 24th Dec. 1868.	
	Cant. Magistrate..	Major A. G. Duff, Offg..	.....	1	1	.....	1	....	.....	....	.....			
	Town Magistrate..	Major A. G. Duff, ...	.. ...	1	1	.....	.....	... .	1	.....	.....			
	Do. ..	Do.	.....	1	1	1	....	.....	.....	.....	.....			

RANGOON.	Town Magistrate.	Major A. G. Duff.	.....	1	1	1	.....	.....	.....	.....	.....	66 days.	The 24th Dec. 1868.
			.....	1	1	1	.....	.....	.....	.....	.....		
			.....	1	1	.....	1	.....	.....	.....	.....		
			.....	1	1	1	.....	.....	.....	.....	.....		
			.....	1	1	1	.....	.....	.....	.....	.....		
			.....	1	1	.....	1	.....	.....	.....	.....		
			.....	1	1	.....	1	.....	.....	.....	.....		
			.....	1	1	1	.....	.....	.....	.....	.....		
			.....	1	1	.....	.....	.....	.....	.....	1		
		Total.....	1	19	20	10	5	1	3	.....	1		

RANGOON,
RECORDER'S COURT.
The 20th May 1869.

F. HOUSMAN,
Recorder.

No. IV,

ANNUAL STATEMENT of Sentences of Death referred for the confirmation of the Sudder Court, by the Recorder of Rangoon for the year ending 31*st December* 1868

Number of referred sentence	Prisoners			Offence of which Prisoner is convicted by Sessions Court, with Section of Code thereto applicable	Date of Commitment	Date of Conclusion of Trial	Date of Reference to the Sudder Court	Date of the Sudder Court		Remarks
	Number	Name	Caste					Receipt of the Record	Final Order	
1	1	Bamurtee Patail, alias Rotayah	Native of Nursapore	Murder Section 302 I P Code	7th May 1868	12th May 1868	14th May 1868	21st May 1868	20th May 1868	Executed 26th May 1868.

RANGOON,
RECORDER'S COURT,
The 20th May 1869

F HOUSMAN,
Recorder

No. V.

STATEMENT showing the Criminal Cases, Sessions and Appeal, brought to Trial and disposed of, by the Recorder of Rangoon during the year ending 31st *December* 1868.

SESSIONS COURT										APPEAL CASES.								
Pending at the close of 1867		Committed during 1868		Total Persons.	*Disposed of on trial*		Commitment cancelled—disposed of	Pending at the close of 1868		Pending at the close of 1867	Referred during 1868	Total Cases	Rejected.	*Disposed of on Trial Sentence of Lower Court.*			Transferred, or otherwise disposed of.	Pending at the close of 1868.
Cases	Persons	Cases	Persons		Convicted.	Acquitted		Cases	Persons					Confirmed.	Modified	Reversed.		
...	.	1	1	1	1	...	...	...	...	1	19	20	10	5	1	3	...	1

RANGOON,
RECORDER'S COURT,
The 20th May 1869.

F. HOUSMAN,
Recorder.

No. VI.

STATEMENT shewing the number of Criminals sentenced during the year, by the Recorder of Rangoon for terms of seven years and upwards, and the number of Persons sentenced to Transportation under Section 59, of the Indian Penal Code. Vide Chief Commissioner's Docket, No. 2,175, dated 2nd June, 1863.

Name of Presidency or Province.	Number of Persons sentenced to Imprisonment for 7 years.	Number of Persons sentenced to Imprisonment for terms exceeding 7 years, and not exceeding 10 years.	Number of Persons sentenced to Imprisonment for terms exceeding 10 years, and not exceeding 14 years.	Number of Persons sentenced to Transportation for 7 years in lieu of Imprisonment, under Section 59 of the Penal Code.	Number of Persons sentenced to Transportation for terms exceeding 7 years, and not exceeding 10 years, under Section 59 of the Penal Code.	Number of Persons sentenced to Transportation for terms exceeding 10 years, and not exceeding 14 years, under Section 59 of the Penal Code.
	1	2	3	4	5	6
			Nil.			

RANGOON.
RECORDER'S COURT,
The 20th May 1869.

E. HOUSMAN,
Recorder.

No. 1.

STATEMENT of Civil Suits of every description, instituted and in the Small Cause Court for the

1	2	3	4	5	6	7	8	9	10	11
NAME OF COURT.	Number of Suits pending at the close of 1867.							Number of ed or during		
	Original Suits, and Suits received by transfer.	New Trials and Reviews of Judgement under Section 28 Act XXI of 1863.	Suits submitted to Recorder under Section 37	Suits referred to Registrar under Section 38.	Appeals from Registrar under Act III of 1866.	Appeals from Registrar's decision under Section 38	Miscellaneous Suits, and Suits arising under Section 29 of said Act.	Original Suits, and Suits received by transfer.	New Trials and Reviews of Judgement under Section 28 Act XXI of 1863.	Suits submitted to Recorder under Section 37.
COURT OF THE RECORDER, ...	46	...	...	..	...	...	18	593	4	...
COURT OF SMALL CAUSES, ...	270	1	.	...	..	. .	22	2,097	.....	...
Total, ...	316	1	.			..	40	2,690	4	...

Court of the Recorder, Rangoon,
The 20th May 1869

disposed of, and pending in the Court of the Recorder, of Rangoon

Year 1868.

12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29
Suits instituted transferred 1868.				Number of Cases disposed of during 1868.							Number of Cases pending at the close of 1868.						
Suits referred to Registrar under Section 38.	Appeals from Registrar under Act III of 1866.	Appeals from Registrar's decision under Section 38.	Miscellaneous Suits, and Suits arising under Section 29 of said Act.	Original Suits, and Suits received by transfer.	New Trials and Reviews of Judgement under Section 28 Act XXI of 1863.	Suits submitted to Recorder under Section 37.	Suits referred to Registrar under Section 38.	Appeals from Registrar under Act III of 1866.	Appeals from Registrar's decision under Section 38.	Miscellaneous Suits, and Suits arising under Section 29 of said Act.	Original Suits, and Suits received by transfer.	New Trials and Reviews of Judgement under Section 28 Act XXI of 1863.	Suits submitted to Recorder under Section 37.	Suits referred to Registrar under Section 38.	Appeals from Registrar under Act III of 1866.	Appeals from Registrar's decision under Section 38.	Miscellaneous Suits, and Suits arising under Section 29 of said Act.
...	...	...	400	495	2	...	...	...	...	397	144	2	...	...	...	...	21
...	...	...	830	2,112	1	..	...	...	...	820	255	..	...	...	...	..	32
...	...	...	1,230	2,607	3	...	...	...	...	1,217	399	2	...	...	...	...	53

F. HOUSMAN,

Recorder.

No. 2.

CLASSIFICATION of Original Regular Suits instituted before the Recorder, and the Court of of Small Causes at Rangoon, in the year 1868; not including Suits under Sects. 28, 29, 37 and 38.

DESCRIPTION OF SUITS.	ORIGINAL.		TOTAL,
	Recorder,	*Small Cause Court.*	
I. SUITS FOR IMMOVEABLE PROPERTY.			
1. House, ...	1	„	1
2. Land, ...	7	„	7
3. Mortgages, ...	52	11	63
4. Fisheries, ...	„	„	„
5. Inheritance, ...	1	„	1
Total .	61	11	72
II. SUITS UNCONNECTED WITH IMMOVEABLE PROPERTY.			
1. Debt, ...	496	2,069	2,565
2. Damages for breach of contract, or loss or injury to property, ...	19	12	31
3. Damages for personal injuries and wrongs,	4	5	9
4. Marriage or Divorce, ...	12	„	12
5. Inheritance, ...	„	„	„
6. Custody and Guardianship, ...	1	„	1
Total.	532	2,086	2,618
Grand Total.....	593	2,097	2,690

COURT OF THE RECORDER,
RANGOON,
The 20th of May 1869.

F. HOUSMAN,
Recorder.

No. 3.

DETAIL of SUITS decided on Trial, transferred or otherwise disposed of by the Recorder's Court and Court of Small Causes at Rangoon, during the year 1868 *as per Columns* 14 *to* 19 *of Statement No.* 1.

DESCRIPTION OF CASES.	COURTS.	Rejected.	DECIDED. In favor of Plaintiff.	DECIDED. In favor of Defendant.	Decreed ex-parte.	Compromised.	Withdrawn or disposed of in default.	Transferred or otherwise disposed of.	Total.
Original.	COURT OF THE RECORDER, ...	1	77	35	293	65	23	1	495
	COURT OF SMALL CAUSES, ...	„	467	140	750	168	587	„	2,112
	TOTAL.....	1	544	175	1,043	233	610	1	2,607
Miscellaneous.	COURT OF THE RECORDER,.....	2	306	35	„	29	25	„	397
	COURT OF SMALL CAUSES, ...	„	596	29	„	56	139	„	820
	TOTAL.....	2	902	64	„	85	164	„	1,217

COURT OF THE RECORDER,
RANGOON.
The 20*th of May* 1869

F. HOUSMAN,
Recorder.

No. 4.

SUPPLEMENTARY CIVIL RETURN of the Recorder's Court and the Court of Small Causes at Rangoon for the year 1868.

DESCRIPTION OF CASES	COURTS.	Longest period any Case on the File at the close of the year has been pending.		Average duration of suits disposed of during the year.		Total amount of value of suits instituted during the year.			Value of Stamps or law papers filed during the year.			Costs of every description, inclusive of stamps and pleaders' fees incurred by parties in suits disposed of during the year.		
		Months.	Days.	Months.	Days.	Rupees.	A.	P.	Rupees.	A.	P.	Rupees.	A.	P.
Original.	COURT OF THE RECORDER ...	30	12	1	7	7,29,829	13	10	49,648	15	...	74,532	4	2
	COURT OF SMALL CAUSES.....	8	6	1	25	1,65,239	14	...	16,477	8	...	22,136	10	..
	TOTAL.....	.....	...	.....	...	8,95,069	11	10	66,126	7	..	96,668	14	2
Miscellaneous.	COURT OF THE RECORDER ...	16	12	...	16	.....	...	...	2,217	11	...	5,205	9	
	COURT OF SMALL CAUSES.....	3	7	...	13	.....	...	...	979	4	...	2,138	4	
	TOTAL.....	.....	...	...	...	.....	...	...	3,196	15	...	7,343	13	

COURT OF THE RECORDER,
RANGOON.
The 20th of May 1869.

F. HOUSMAN,
Recorder.

No. 5.

DETAILED STATEMENT of Miscellaneous Cases, and those arising under Section 29 of Act XXI of 1863 instituted and disposed of as entered in Statement No. 1.

NATURE OF CASES	NUMBER INSTITUTED.		DISPOSED OF.	
	Recorder's Court	Small Cause Court	Recorder's Court.	Small Cause Court.
1 Execution of Decree	258	639	273	630
2. Objections to attachment of property in execution of decree, ...	40	45	36	45
3. Claims to sue as a pauper, ...	8	7	7	7
4. Claims under Act XIX of 1841, ...	...	...	...	...
5. Cases under Act XXXV of 1858, ...	1	. .	...	...
6. Cases under Act XL of 1858, and Act IX of 1861, ...	3	...	3	...
7. Cases under Act XXVII of 1860, ...	13	...	12	...
8. All other miscellaneous cases not included above, ...	61	139	57	138
9. Cases under Act X of 1865, ...	15	...	8	...
10. „ „ X of 1866, ...	1	...	1	...
Total.....	400	830	397	820

Court of the Recorder,
RANGOON,
The 20th of May 1869.

F. HOUSMAN,
Recorder.

No. I.

ANNUAL General Statement of the Recorder of Moulmein for the year ending 31st December 1868.

Class.	Offence: Authority.	Offence: Description.	Under trial at the close of the last year: Cases.	Under trial at the close of the last year: Persons.	Committed to the Sessions during the present year: Cases.	Committed to the Sessions during the present year: Persons.	Received from other quarters: Cases.	Received from other quarters: Persons.	Total number of persons under Trial.	Disposed of: Commitment Cancelled.	Disposed of: Referred to the Subordinate Court.	Disposed of: Convicted.	Disposed of: Acquitted.	Disposed of: Died.	Disposed of: Escaped.	Disposed of: Transferred.	Under trial at the close of the present year: Persons: Cases.	Under trial at the close of the present year: Persons: In custody.	Under trial at the close of the present year: Persons: On Bail.	Under trial at the close of the present year: Persons: On Recognizance.
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Non-bailable.	Sec. 467 I.P.C.	Forgery	..	...	1	1	..	...	1	..	...	1	..	...	...	...	..	..	...	...
,,	,, 302 ,,	Murder	..	...	1	1	...	...	1	..	...	...	1	..	...	...	.	.	...	...
,,	,, 372 ,,	Selling a minor for the purpose of prostitution	...	...	...	1	...	...	...	...	...	1	..	...	...	...	.	..	...	...
,,	,, 109/372 ,,	Aiding and abetting the above offence	...	...	1	2	..	.	4	..	...	2	..	...	...	...	..	..	...	...
,,	,, 373 ,,	Buying a minor for the purpose of prostitution	...	...	...	1	...	...	...	...	...	...	1	...	...	...	.	...	...	...
,,	,, 395 ,,	Dacoity	...	...	...	...	...	...	...	...	...	4	...	...	...	...	...	...	...	...
,,	,, 109/395 ,,	Aiding and abetting the above offence	...	...	1	6	...	...	6	..	..	1	1	...	...	...	...	..	...	...
Bailable.	,, 324 ,,	Voluntarily causing hurt by dangerous weapon	...	...	2	2	...	...	2	...	.	2	...	...	...	...	...	..	...	...
Non-bailable.	380 ,,	Theft	...	...	...	1	...	...	...	...	...	1	...	...	...	...	..	..	...	...
,,	,, 109/380 ,,	Aiding and abetting the above offence	...	...	1	1	...	...	2	...	...	1	...	...	...	...	...	...	...	...
		Total ..	...	...	7	16	...	...	16	...	...	13	3	...	...	...	...	...	...	...

Moulmein, 23rd April 1869.

J. CORYTON, *Recorder.*

J. DOUGLAS BAYLY, *Registrar.*

No. II.

ANNUAL STATEMENT of degrees of punishment inflicted by the Recorder of Moulmein for the year ending 31st December 1868.

Persons sentenced to																			Total amount of fines.		Note to No. II. Statement.		
Transportation.			Imprisonment.									Find security.			Fine								
			From 14 years to 7 years.			From 6 years to 3 years.			Below 3 years.														
For Life.	For 14 years and above.	For 7 years and above.	Rigorous.	Simple.	With Fine.	Rigorous.	Simple.	With Fine.	Rigorous.	Simple.	With Fine.	For good behaviour.	To keep the peace.	Enter into recognizance to keep the peace.	From Rs. 5,000 to 1,000.	Below Rs. 1,000 to 500.	Below Rs. 500 to 200.	Below Rs. 200.	Imposed.	Realized.	Ordered.	Paid.	Persons sentenced to imprisonment.	With Stripes.	With Fine and Stripes.
																					Applied in compensation under Sec. 44, Criminal Procedure.				
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	1	2	3
...	...	...	1	...	...	9	...	...	3	...	...	...	...	...	...	...	...	...	...	...	...	...	.....	...	...

MOULMEIN,
The 23rd April 1869.

J. CORRETON,
Recorder.

J. DOUGLAS BAYLY.
Registrar.

No. III.

ANNUAL STATEMENT of Appeals preferred to the Recorder of Moulmein during the year 1868.

District.	Office.	Names of Officers.	Appeals from Convictions on Trial and from Orders under Chapters X and XIV, Code of Criminal Procedure.											Remarks.
			Pending at the close of last year.	Preferred during the present year.	Total.	Rejected.	Orders Confirmed.	Orders Modified.	Orders Reversed.	Returned for re-investigation.	Pending at the close of the year.	Longest Number of days that any Suit has been pending.	Date of Oldest Case pending.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
MOULMEIN.	Magistrate... ...	J. K. Macrae, Esquire...	.....	17	17	6	7	1	3	2	1	33*	15th Dec. 1868.	* This case was remanded.

MOULMEIN,
The 23rd April 1869.

J. CORYTON,
Recorder.

J. DOUGLAS BAYLY,
Registrar.

No. IV.

ANNUAL STATEMENT of Sentences of Death referred for the confirmation of the Sudder Court, by the Recorder of Moulmein for the year ending 31st *December* 1868.

Number of referred sentence.	Prisoners.			Offence of which Prisoner is convicted by Sessions Court, with Section of Code thereto applicable.	Date of			Date of the Sudder Court.		Remarks
	Number.	Name.	Caste.		Commitment.	Conclusion of Trial.	Reference to the Sudder Court.	Receipt of the Record.	Final Order.	
				Nil.						

MOULMEIN,
The 23rd April 1869.

J. CORYTON,
Recorder.

J. DOUGLAS BAYLY,
Registrar.

No. V.

STATEMENT showing the Criminal Cases, Sessions and Appeal, brought to Trial and disposed of, by the Recorder of Moulmein during the year ending 31st *December* 1868.

SESSIONS COURT.										APPEAL CASES.								
Pending at the close of 1867.		Committed during 1868.		Total Persons.	Disposed of on trial		Transferred or otherwise disposed of.	Pending at the close of 1868.		Pending at the close of 1867.	Referred during 1868.	Total Cases	Rejected.	Disposed of on Trial. Sentence of Lower Court			Transferred, or otherwise disposed of.	Pending at the close of 1868.
					Convicted.	Acquitted.								Confirmed.	Modified.	Reversed.		
Cases.	Persons.	Cases.	Persons.					Cases.	Persons.									
...	...	7	16	16	13	3	...	...	...	...	17	17	6	7	1	3	...	1

MOULMEIN,
The 23rd April 1869.

J. CORYTON,
Recorder.

J. DOUGLAS BAYLY.
Registrar.

No. VI.

STATEMENT shewing the number of Criminals sentenced during the year 1868, *by the Recorder of Moulmein for terms of seven years and upwards, and the number of Persons sentenced to Transportation under Section* 59, *of the Indian Penal Code. Vide Chief Commissioner's Docket, No.* 2,175, *dated 2nd June,* 1863.

Name of Pygsidency or Province.	Number of Persons sentenced to Imprisonment for 7 years.	Number of Persons sentenced to Imprisonment for terms exceeding 7 years, and not exceeding 10 years.	Number of Persons sentenced to Imprisonment for terms exceeding 10 years, and not exceeding 14 years.	Number of Persons sentenced to Transportation for 7 years in lieu of Imprisonment, under Section 59 of the Penal Code.	Number of Persons sentenced to Transportation for terms exceeding 7 years, and not exceeding 10 years, under Section 59 of the Penal Code.	Number of Persons sentenced to Transportation for terms exceeding 10 years, and not exceeding 14 years, under Section 59 of the Penal Code.
	1	2	3	4	5	6
B. Burma ...	1	.....	....	.....	.....	....

MOULMEIN,
The 23rd April 1869.

J. CORYTON,
Recorder.

J. DOUGLAS BAYLY,
Registrar.

No.

STATEMENT of Civil Suits of every description, instituted

and in the Small Cause Court for the

1	2	3	4	5	6	7	8	9	10	11
NAME OF COURT.	Number of Suits pending at the close of 1867							Number of ed or during		
	Original Suits, and Suits received by transfer.	New Trials and Reviews of Judgement under Section 28 Act XXI of 1863.	Suits submitted to Recorder under Section 37.	Suits referred to Registrar under Section 38.	Appeals from Registrar under Act III of 1866.	Appeals from Registrar's decision under Section 38.	Miscellaneous Suits, and Suits arising under Section 29 of said Act.	Original Suits, and Suits received by transfer.	New Trials and Reviews of Judgement under Section 28 Act XXI of 1863.	Suitstted msub to Recorder under Section 37.
COURT OF THE RECORDER, ...	17	.....	...	...	...	...	16	163	3	...
COURT OF SMALL CAUSES, ...	45	.....	...	...	...	...	15	1,693	8	...
Total, ...	62	.....	...	...	...	..	31	1,856	11	...

MOULMEIN,

The 23rd April 1869.

1.

dispseod of, and pending in the Court of the Recorder of Moulmein

Year ending 31*st December* 1868.

12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29
Suits instituted transferred 1868.				Number of Cases disposed of during 1868.							Number of Cases pending at the close of 1868.						
Suits referred to Registrar under Section 38.	Appeals from Registrar under Act III of 1866.	Appeals from Registrar's decision under Section 38.	Miscellaneous Suits, and Suits arising under Section 29 of said Act.	Original Suits, and Suits received by transfer.	New Trials and Reviews of Judgement under Section 28 Act XXI of 1863.	Suits submitted to Recorder under Section 37.	Suits referred to Registrar under Section 38.	Appeals from Registrar under Act III of 1866.	Appeals from Registrar's decision under Section 38.	Miscellaneous Suits, and Suits arising under Section 29 of said Act.	Original Suits, and Suits received by transfer.	New Trials and Reviews of Judgement under Section 28 Act XXI of 1863.	Suits submitted to Recorder under Section 37.	Suits referred to Registrar under Section 38.	Appeals from Registrar under Act III of 1866.	Appeals from Registrar's decision under Section 38.	Miscellaneous Suits, and Suits arising under Section 29 of said Act.
...	...	...	390	153	3	...	...	...	...	396	27	.....	...	...	...	...	10
...	...	...	845	1671	8	...	...	...	...	852	67	...	...	...	...	...	8
...	...	...	1,235	1,824	11	...	...	...	...	1,248	94	.....	..	...	...	...	18

J. CORYTON.

Recorder.

J. DOUGLAS BAYLY.

Registrar.

No. 2.

CLASSIFICATION of Original Regular Suits instituted before the Recorder, and the Court of Small Causes at Moulmein, in the year 1868 *; not including Suits under Sects.* 28, *and* 37.

DESCRIPTION OF SUITS.	ORIGINAL.		TOTAL.
	Registrar.	*Recorder.*	
I. SUITS FOR IMMOVABLE PROPERTY.			
1. Houses, ...	.....	2	2
2. Land, ...	.....	6	6
3. Mortgages, ...	.....	2	2
4. Fisheries,..	.....	„	„
5. Inheritance, ...	.....	2	2
Total.....	.....	12	12
II. SUITS UNCONNECTED WITH IMMOVABLE PROPERTY.			
1. Debt, ...	1,683	144	1,827
2. Damages for breach of contract, or loss or injury to property, ...	9	2	11
3. Damages for personal injuries and wrongs,	„	„	„
4. Marriage or Divorce, ...	1	5	6
5. Inheritance, ...	„	„	„
Total.. ...	1,693	151	1,844
Grand Total.....	1,693	163	1,856

MOULMEIN,
The 23rd April 1869.

J. CORYTON,
Recorder.

J. DOUGLAS BAYLY,
Registrar.

No. 3.

DETAIL of SUITS disposed of by the Recorder's Court and Court of Small Causes at Moulmein during the year 1868 *as per Columns* 16 *to* 22 *of Statement No I.*

DESCRIPTION OF CASES.	COURTS.	Rejected.	DECIDED.		Decreed ex-parte.	Compromised.	Withdrawn or disposed of in default.	Transferred or otherwise disposed of.	Total.
			In favor of Plaintiff.	In favor of Defendant.					
Original.	COURT OF THE RECORDER, ...	.....	95	14	18	15	10	1	153
	COURT OF SMALL CAUSES, ...	14	654	134	466	125	278	,,	1,671
	TOTAL.....	14	749	148	484	140	288	1	1,824
Miscellaneous.	COURT OF THE RECORDER, ...	41	58	25	243	6	21	2	396
	COURT OF SMALL CAUSES, ...	24	88	37	648	4	51	,,	852
	TOTAL.....	65	146	62	891	10	72	2	1,248

MOULMEIN,
The 23rd April 1869.

J. CORYTON,
Recorder.

J. DOUGLAS BAYLY,
Registrar.

No. 4

SUPPLEMENTARY CIVIL RETURN of the Recorder's Court and the Court of Small Causes at **Moulmein** *for the year* **1868**.

DESCRIPTION OF CASES.	COURTS.	Longest period any Case on the File at the close of the year has been pending.		Average duration of suits disposed of during the year.		Total amount of value of suits instituted during the year.			Value of Stamps or law papers filed during the year.			Costs of every description, inclusive of stamps and pleaders' Fees incurred by parties in suits disposed of during the year.		
		Months.	Days.	Months.	Days.	Rupees.	A.	P.	Rupees.	A.	P.	Rupees.	A.	P.
Original.	COURT OF THE RECORDER ...	38	11	1	8	4,88,872	7	...	21,374	2	...	29,141	15	...
	COURT OF SMALL CAUSES.....	5	7	...	11	1,12,014	12	...	11,960	2	...	17,581	11	...
	TOTAL.....	.....	...	.....	...	6,00,887	3	...	33,334	4	...	46,723	10	...
Miscellaneous.	COURT OF THE RECORDER ...	11	23	...	12	.....	...	...	1,764	2	...	3,338	7	...
	COURT OF SMALL CAUSES.....	.....	21	...	4	.....	...	...	1,322	12	...	1,880	4	...
	TOTAL.....	.....	...	...	...	.....	...	...	3,086	14	...	5,218	11	...

MOULMEIN.
The 23rd April 1869.

J. CORYTON,
Recorder.

J. DOUGLAS BAYLY,
Registrar.

No. 5.

DETAILED STATEMENT of Miscellaneous Cases, instituted and disposed of in the year 1868

NATURE OF CASES	Number Instituted.		Disposed of.	
	Recorder's Court.	Small Cause Court.	Recorder's Court.	Small Cause Court.
1. Execution of Decree	218	621	219	627
2. Objections to attachment of property in execution of decree,...	30	30	33	31
3. Claims to sue as a pauper, ...	3	2	3	2
4. Claims under Act XIX of 1841, ...	...	...	...	...
5. Cases under Act XXXV of 1858, ...	1	...	1	...
6. Cases under Act XL of 1858, and Act IX of 1861, ...	5	...	6	...
7. Cases under Act XXVII of 1860, ...	26	...	23	...
8. All other miscellaneous cases not included above, ...	107	192	111	192
Total....	390	845	396	852

MOULMEIN,
The 23rd April 1869

J. CORYTON, *Recorder*

J. DOUGLAS BAYLY, *Registrar.*

APPENDIX.

Appendix A (1.)

Receipts and Expenditure in Rangoon Courts for 1868.

Amount realized by Stamps.							Recorder's Salary	16,021	8	1			
							„ Establishment	12,944	9	0			
Recorder's Court	51,866	10	0				„ Travelling Allowance ..	.... .	.....				
Small Cause Court	17,456	12	0	69,323	6	0	„ Contingencies...	2,060	3	2	31,026	4	3
Tallubana	.....	.....		5,290	10	0	Small Cause Court Establishment	.....	.....		2,733	15	0
Fines	.....	.....		.....	.....		Bailiff	.....	.....		960	0	0
							Balance credited to Government		.....		39,893	12	9
TOTAL.....	.....	.....		74,614	0	0	TOTAL.....	.... .	.....		74,614	0	0

Appendix A (2.)

From FRANCIS HOUSMAN Esquire, Recorder of Rangoon, to the Assistant Secretary to the Chief Commissioner British Burma, No. 81, dated 16th June 1869.

I have the honor, in reply to your letter of the 14th instant (Home Department No. 309-19 Judicial), to state that the discrepancy existing between the Returns accompanying the Report for 1867 and those accompanying the Report for 1868 relative to the longest period of the pendency of a Suit arises from the circumstance that in the return for 1867 only such suits were included as had been instituted within the year 1867, whereas in the recent returns all suits were included and thus some suits instituted in 1866 were omitted from the former and included in the latter returns.

I return the form you enclosed with the information required

Appendix A (3.)

Court.	Cases in which arbitration bonds were filed.				Cases disposed of during the year, whether pending from 1867 or instituted during 1868, Regular and Miscellaneous.										Cases under Act V. 1866.					
	Both parties European.	1 party European.	Neither European.	Total.	Value.			Stamps filed.			Costs other than Stamps.			Total costs.			Instituted-			Disposed of		
																	No.	Value.			No.	Value.		
Recorder's Court	1	0	5	6	5,10,047	10	7	43,734	4	0	27,871	3	2	71,605*	7	2	359	1,76,681	2	9	277	1,30,981	5	3
S. C. Court. ...	0	0	12	12	1,65,748	5	11	17,654	4	0	6,818	2	0	24,472†	6	0	0	0	0	0	9	0	0	0

* in last column of Supplementary Civil Return No. 4 = 74,532- 4-2, difference = 2,926-13-0 less.
† " " " " " " = 22,136-10-0, difference = 2,335-12-0 more.

Appendix A (4.)

Stamps filed in 1868 in Regular & Miscellaneous Cases	Rs. 51,866-10-0
Out of which deduct	„ 15,010—7-0
Being the value of Stamps filed in cases pending at the close of 1868 shown in the return for that year. The Return called for now only asks for the value of the Stamps on cases *decided* in 1868.	
Showing a balance of	Rs. 36,856-3-0
To this amount must be added—the value of Stamps in cases which were pending at the close of 1867 and decided in 1868 as required by Return now called for	„ 6,878-1-0
	Rs. 43,734-4-0

Value of the Stamps shown in the Return Form 4 does not include the 6,878-1-0 for the value of these Stamps were shown in the return for 1867 and the sum of Rs. 15,010-7-0 have been deducted in the present statement for the cases pending at the close of 1868 as shown above—hence, it is impossible for statement No. 4 to agree with the Return now submitted, as the Return sent only shows cases *decided* in 1868.

The same explanation with regard to the Small Cause Court.

Appendix A (5.)

Return required by the Chief Commissioner of British Burma in Letter to the Recorder dated "British Burma, Home Department No. 309/11 / 279 Judicial."

Name of Court.	Number of cases in which Arbitration Bonds were filed under Section 327 of Act VIII of 1859 during 1868				The total value of stamps filed in all the cases decided during the year 1868.			The total amount of costs other than the value of stamps from date of institution to date of decree during the year 1868.			Number of cases under Act V of 1866 instituted during the year 1868.	Value of Suits filed under Act V of 1866 during the year 1868.			Number of cases under Act V of 1866 disposed of during the year 1868.	Value of Suits disposed of under Act V of 1866 during the year 1868.			Remarks.
	No. of cases in which both parties were Europeans.	No. of cases in which one party only was European.	No. of cases in which both parties were Burmese and Natives.	Total.															
Recorder's Court	1	0	5	6	43,734	4	0	27,871	3	2	359	1,76,681	2	9	277	1,30,981	5	3	The probable cause of the great increase in the duration of suits in the year 1868 compared with 1867 was the increase in the number of cases on the files. The number of cases instituted in 1866, 1867 and 1868, respectively added to the number of cases which stood over from the previous year in each instance shows that the total number of cases on the files in these years were, respectively :— 1866 .. .. 3,491 1867 .. .. 3,801 1868 .. .. 4,274 assuming that only a certain number of suits can be heard in a given time, it follows, that, the greater the number pending, the longer must be the average time during which they pend
Small Cause Court	0	0	12	12	17,654	4	0	6,818	2	0	0	0	0	0	0	0	0	0	
Total...	1	0	17	18	61,388	8	0	34,689	5	2	359	1,76,681	2	9	277	1,30,981	5	3	

Recorder's Court, Rangoon the 11th June 1869.

F. HOUSMAN, *Recorder.*

Appendix B (1.)

From J. CORYTON Esquire, Recorder of Moulmein, to the Assistant Secretary to the Chief Commissioner of British Burma. No. 36 dated Moulmein, 29th May 1869.

I have the honor, with reference to your letter No. 309-8 (Home Department) of the 14th instant, to forward herewith the explanation submitted to me by the Registrar in respect of the discrepancies discovered in the statistics furnished by him for my last Annual Report, and trust it will prove satisfactory.

The undersigned begs respectfully to offer the following explanation of the discrepancies which have been discovered in the Report for 1868.

Para 9 — The number of suits disposed of as shown in this para is correct, the error being in para 18 of the Report for 1867, as will be seen on reference to Civil Return No. 5 which accompanied that Report

Paras 14 & 15 — The duration shown in these paras is that of cases *decided* during 1868, and is therefore distinct from the duration given in Return No. 4, which Return requires the "longest period any case on the file *at the close of the year* has been *pending*."

Para 17 — "The total number of Criminal Appeals preferred during the year was 17" that is, 17 cases. The manner in which they were disposed of is intended to show the number of *orders* of rejection, confirmation, or otherwise, passed by the Appellate Court, as there are, sometimes, more Appellants than one in one appeal, and it happens that different orders are passed with regard to each Appellant.

The difference between Statements 3 & 5 is owing to there being no column for remanded cases in the latter Statement.

The 2 remanded cases should not be included in the total, as they were returned by the Magistrate after the purpose for which they were remitted had been accomplished, and were disposed of in 1868 by the Appellate Court, the result being shown under the preceding headings.

J. DOUGLAS BAYLY,

The 18th May 1869 — *Registrar.*

Appendix B (2.)

From J. CORYTON Esquire, Recorder of Moulmein, to the Assistant Secretary to the Chief Commissioner, Rangoon, No. 37 dated Moulmein, 29th May 1869

I have the honor, with reference to your letter No. 309-10 (Home Department) of the 27th instant, to furnish the following information.

There were, during the year 1868, 2 cases instituted under Act V of 1866, involving Rs. 4,010-8, both of which were disposed of. The value of stamp papers filed in these cases amounted to Rs. 318, and the costs (excluding stamps) to Rs. 112-12.

Costs other than stamp wanted.

The value of regular suits disposed of in each Court is given in paras 1 and 2 of the Report. The value of stamp papers filed in such suits amounted in the Recorder's Court to Rs. 18,855-2 and in the Small Cause Court Side to Rs. 11,673-10.

With regard to para 3, I regret I am not at present in a position to assign any cause for the increase of suits referred to.

Appendix B (3.)

From JOHN CORYTON, Esquire, Recorder of Moulmein, to the Assistant Secretary to the Chief Commissioner of British Burma, Rangoon, No. 38 dated Moulmein, the 31st May 1869.

With reference to your telegram received this day, I have the honor to inform you that there were 2 Suits to file awards of private arbitration in which both parties were Europeans, and 2 Suits in which one of the parties was a European.

Appendix B (4.)

From J. CORYTON, Esquire, Recorder of Moulmein, to the Assistant Secretary to the Chief Commissioner of British Burma, Rangoon, No. 41 dated Moulmein, 8th June 1869.

With reference to your telegram received yesterday, I have the honor to inform you that the total costs, other than Stamps, of cases decided during 1868, amounted in the Recorder's Court to Rs. 11,874-8-0, and in the Small Cause Court to Rs. 6,530-12-0.

Appendix B (5.)

From J. CORYTON, Esquire, Recorder of Moulmein, to the Assistant Secretary to the Chief Commissioner, British Burma, Rangoon, No. 43 dated Moulmein, 15th June 1869.

The calculations received with your letter No, 309-16, dated 11th instant, (Home Department) having been examined by the Registrar by my direction, I have the honor to return them herewith in original with the corrections noted.

RECORDER'S COURT.

Total costs in Regular Cases from institution to Decision (from Returns)	Rs.	29,141	15	0
Total value of Stamps filed Do. Do. (letter No. 37 dated 29th May)	Rs.	18,855	2	0
Costs other than Stamps Do. Do. ...	Rs.	10,286	13	0

MISCELLANEOUS CASES.

Total costs from institution to decision (from Returns)	Rs	3,338	7	0
Total Stamps filed Do. Do.	„	**1,750**	**12**	**0**
Total costs other than Stamps Do.	Rs.	**1,587**	**11**	**0**

SMALL CAUSE COURT.

REGULAR CASES.

Total costs from institution to decision (from Returns)	Rs.	17,581	11	0
Total value of Stamps filed Do. (letter No. 37 dated 29th May)	Rs	11,673	10	0
Costs other than Stamps	Rs.	5,908	1	0

MISCELLANEOUS CASES.

Total costs from institution to order (from Returns)	„	1,880	4	0
Total value of Stamps filed Do.	„	**1,257**	**9**	**0**
Total costs other than Stamps	Rs.	**622**	**11**	**0**

The calculations by which the "Albion" figures have been obtained are as follows:—

RECORDER'S COURT.

Total costs other than Stamps Regular and Miscellaneous cases (?) (letter 41 dated 8th June)	Rs.	11,874	8	0
Ditto in Regular Cases as calculated above ...	„	10,286	13	0
Total costs other than Stamps in Miscellaneous Cases	Rs.	1,587	11	0
Total costs Miscellaneous Cases from Returns ...	Rs.	3,338	7	0
Costs other than Stamps, Miscellaneous Cases ...	„	1,587	11	0
Value of Stamps Miscellaneous Cases	Rs.	1,750	12	0

SMALL CAUSE COURT.

Total costs other than stamps, Regular and Miscellaneous Cases (?) (letter No. 41 dated 8th June.) ...	Rs.	6,530	12	0
Ditto in Regular Cases as calculated above ...	„	5,908	1	0
Total costs other than stamps in Miscellaneous Cases	Rs	622	11	0
Total costs, Miscellaneous cases (from Returns)...	Rs.	1,880	4	0
Costs other than Stamps Miscellaneous Cases ...	„	622	11	0
Stamps, Miscellaneous cases	Rs.	1,257	9	0

Appendix C.

STATEMENT showing cost of the Recorder's and Small Cause Courts of Rangoon from January to December 1868.

	Recorder's Court.												Small Cause Court.									Grand total.		
	Salary.			Establishment.			Travelling allowance.			Contingencies.			Total.			Establishment.			Bailiff.			Total.					
January 1868. ...	483	13	11	712	0	0	96	0	0	11	12	0	1,303	9	11	161	4	0	200	0	0	361	4	0	1,664	13	11
February „ ...	1,021	8	1	712	0	0	0	0	0	198	10	0	1,929	2	1	157	0	0	200	0	0	357	0	0	2,286	2	1
March „ ...	1,666	10	8	712	0	0	0	0	0	42	11	0	2,421	5	8	157	0	0	200	0	0	357	0	0	2,778	5	8
April „ ...	1,666	10	8	712	0	0	0	0	0	23	12	0	2,402	6	8	7	0	0	200	0	0	207	0	0	2,609	6	8
May „ ...	1,666	10	8	712	0	0	0	0	0	293	3	4	2,671	14	0	311	0	0	200	0	0	511	0	0	3,182	14	0
June „ ...	1,666	10	8	702	0	0	0	0	0	168	0	6	2,533	11	2	157	0	0	200	0	0	357	0	0	2,890	11	2
July „ ...	1,666	10	8	956	0	0	0	0	0	325	4	6	2,947	15	2	210	5	4	200	0	0	410	5	4	3,358	4	6
August „ ...	1,666	10	8	1,036	15	0	0	0	0	30	4	7	2,733	14	3	287	15	0	200	0	0	487	15	0	3,221	13	3
September „ ...	3,333	5	4	2,203	1	8	0	0	0	131	1	6	5,667	8	6	656	10	8	400	0	0	1,056	10	8	6,724	3	2
October „ ...	0	0	0	39	0	0	0	0	0	0	0	0	39	0	0	0	0	0	0	0	0	0	0	0	39	0	0
November „ ...	1,666	10	8	1,045	1	0	0	0	0	61	4	0	2,772	15	8	262	0	0	200	0	0	462	0	0	3,234	15	8
December „ ...	0	0	0	2,212	0	0	0	0	0	14	0	0	2,226	6	0	508	0	0	200	0	0	708	0	0	2,934	6	0
Total...	16,505	6	0	11,754	1	8	96	0	0	1,294	5	5	29,649	13	1	2,875	3	0	2,400	0	0	5,275	3	0	34,925	0	1

No. 1166.

Forwarded to the Assistant Secretary to Chief Commissioner, British Burma, Rangoon.

C. R. KIERNANDER,
for Officiating Accountant General.

Rangoon,

The 8th June, 1869.

Appendix D.

STATEMENT showing cost of the Recorder's and Small Cause Courts of Maulmain from January to December 1868.

	Recorder's Court.										Small Cause Court.			
	Salary.		Establishment.		Travelling Allowance.		Contingencies.		Total.		Establishment.		Bailiff Establishment.		Total.		Grand Total.	
January 1868 ...	1,666	10 8	1,023	6 3	...	...	126	4 ...	2,816	4 11	...	...	100	...	...	...	2,916	4 11
February " ...	1,666	10 8	939	13 ...	...	...	54	... ...	2,720	7 8	...	...	100	...	...	...	2,820	7 8
March " ...	1,666	10 8	1,024	... ...	...	...	34	8 ...	2,725	2 8	...	...	100	...	...	...	2,825	2 8
April " ...	1,666	10 8	843	... ...	...	...	25	... ...	2,734	10 8	...	...	100	...	...	...	2,634	10 8
May " ...	1,666	10 8	1,200	... ...	...	...	37	12 ...	2,904	6 8	...	...	100	...	...	...	3,004	6 8
June " ...	1,666	10 8	1,030	... ...	...	...	25	... ...	2,721	10 8	...	...	100	...	...	...	2,821	10 8
July " ...	1,666	10 8	1,015	... ...	...	...	18	... ...	2,699	10 8	...	...	100	...	...	...	2,799	10 8
August " ...	1,666	10 8	1,014	8 ...	...	...	24	... ...	2,705	2 8	...	...	100	...	...	...	2,805	2 8
September " ...	1,666	10 8	1,030	... ...	...	...	38	13 6	2,735	8 2	...	...	100	...	...	...	2,835	8 2
October " ...	1,666	10 8	1,020	... ...	...	...	486	12 ...	2,173	6 8	...	...	100	...	...	...	3,273	6 8
November " ...	1,666	10 8	1,020	... ...	...	...	31	... ...	2,717	10 8	...	...	100	...	...	...	2,817	10 8
December " ...	1,666	10 8	1,020	... ...	...	...	...	... ...	2,686	10 8	...	...	100	...	...	...	2,786	10 8
Total	20,000	... ...	12,239	11 3	...	...	901	1 6	33,140	12 9	...	...	1,200	...	...	...	34,340	12 9

No. 1140,

Forwarded to the Assistant Secretary to the Chief Commissioner,

C. R. KIERNANDER,

for Officiating Accountant General,

British Burma.

Rangoon,
The 8th June 1869.

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British Burma.

HOME DEPARTMENT.

(JUDICIAL).

ANNUAL REPORT

ON

CIVIL AND CRIMINAL JUSTICE,

IN THE

COURTS OF THE RECORDERS AND IN THE SMALL CAUSE COURTS

OF

RANGOON and MAULMAIN

FOR

1869.

PRINTED AT THE CHIEF COMMISSIONER'S OFFICE PRESS- RANGOON 18 0

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MEMORANDUM

BY

MAJOR GENERAL A FYTCHE, C S I CHIEF COMMISSIONER AND AGENT TO THE GOVERNOR GENERAL

ON THE

REPORTS OF THE

RECORDERS OF RANGOON AND MAULMAIN,

AND THE

COURTS OF SMALL CAUSES OF THOSE TOWNS

FOR 1869.

The Reports of the Recorders of Rangoon and Maulmain on their respective Courts for the year 1869 with Tabular statements, together with the Report of the Judge of Small Causes Rangoon, for the same year, also with statements attached, are submitted with the following observations by the Chief Commissioner.

2. The Report of Mr. Housman the Recorder of Rangoon, appears to the Chief Commissioner to be satisfactory. There has been a considerable increase over the previous year, in the value of both the Suits instituted and the Stamps filed. There has also been a large reduction in the average duration of Suits, as well as in the arrears of cases, which may be in some measure ascribed to the establishment of a Court of Small Causes.

3. As regards the reference in paragraph 15 to the powers of Captain Strover, Mr. Housman has been requested to forward a separate communication upon the question, as more information is required in submitting it to the Government of India, and the reference ought scarcely perhaps to have formed the subject of a separate report.

4. With reference to the animadversions of the Recorder in paragraph 20 as regards the conduct of the Police, the Chief Commissioner fears that they are but too true. The question however is one almost entirely of expense, as a better

class of men could no doubt be attracted by an increase of pay, who cannot be tempted to serve in the ranks of the Police under existing circumstances.

5. The recommendation in paragraph 21 as regards the codification of the law in British Burma, is, it is believed, already under the consideration of the Government of India in the Legislative Department.

6. It will be observed from paragraph 22 that Mr. Housman is of opinion that there are cases in Rangoon in which on account of the excessive Stamp duty, justice is virtually denied to persons not absolutely paupers; and it would have been as well if he had given the individual instances, and compared their number with that of the cases actually adjudicated.

7. The Chief Commissioner invites attention to the recommendation in paragraph 24 that Suits on bills and promissory notes up to Rupees 1,000 should be heard in the Small Cause Court under Act V of 1866, and that it should be no longer optional to take cases of less than Rupees 1,000 into the Recorder's Court. The Chief Commissioner quite concurs in this view, only that Mr. Housman has himself reported that he considers the Court of Small Causes to be not legally constituted, and has referred the point to the High Court at Calcutta, with whom the matter is still under consideration.

8. As regards the question of an Assistant to the Bailiff raised in paragraph 25, Mr. Housman will be requested to submit a separate recommendation hereafter.

9. The Report of Mr. Coryton, the Recorder of Maulmain can scarcely be regarded as bearing much reference to his Court at all; but is chiefly occupied in dilating upon political matters in connection with the frontier and the timber trade on the Salween, and in commenting upon the proceedings of the Chief Commissioner.

10. In paragraph 5 of the despatch from the Government of India in the Home Department, No. 1436, dated 19th August 1868, Mr. Coryton was told that the Annual Report of the Judicial Administration of an important Court should not be made the channel of complaints against the proceedings of the Local Government, and that it was not a fitting place for the discussion of irrelevant matter. This letter was communicated to Mr. Coryton, and he was further cautioned upon

this point in paras. 60 and 61 of this Administration Memorandum dated 20th June 1869, reviewing the report on the working of the Court of the Recorder of Maulmain for 1868.

11. As the political difficulties in connection with the Eastern frontier on the upper Salween and country to the Northward have already been discussed at considerable length in the despatch to the Foreign Department noted in the margin, of which a copy was forwarded to the Home Department under docket No. 26-7 P. dated the 16th July 1870, the Chief Commissioner does not deem it expedient to reproduce Mr. Coryton's political criticisms in a purely judicial report; and in like manner the Chief Commissioner presumes that the Government of India would be still more unwilling that a report of this nature should be made the vehicle for comments on the Local Administration.

No 26-6 P dated 16th July 1870

12. Under these circumstances the Chief Commissioner has eliminated from Mr. Coryton's Report, all such matter as does not appear to belong to it, but forwards the excluded paragraphs in a separate form, together with a letter addressed to Mr. Coryton three years ago, which for some reason not explained that gentleman has thought proper to append to the Report in question.

13. The Chief Commissioner regrets that the only paragraphs which appear to refer to the actual working of the Recorder's Court at Maulmain are those numbered 72 to 76, and that they should contain so little information as regards the general progress of business, the operation of the Stamp duties, and other points on which the Government of India might possibly desire to be more fully acquainted.

14. As regards, Mr. Coryton's complaints against the assumed hostility of the Chief Commissioner, a copy of the only proceedings in the Chief Court of British Burma, No. 28, dated the 25th June 1868, is appended, which appear in any way to refer to the proceedings of Mr. Coryton. These proceedings will be found to comprise the orders of the Chief Commissioner as regards the signature of notices and processes by the Recorder of Maulmain. With reference to the statement of Mr. Coryton that General Fytche wished to place the Recorder's Court under his own, that gentleman is labouring under an unaccountable delusion, as the Chief Commissioner never desired to carry out any such measure, but recommended to

the Government of India, that the Recorder's Courts should be placed in subordination to the High Court at Calcutta: see despatch to the Government of India, Home Department, No. 18-1 dated the 11th January 1869.

15. The Report on the Small Cause Court at Rangoon will be found of some interest. A separate Small Cause Court for Rangoon was sanctioned during the year by the Secretary of State, and Mr. Macleod, the first appointed Judge, took his seat on the 4th October 1869. The urgent necessity for a separate Court was pointed out by the Chief Commissioner in his Memorandum on the Recorder's Report for last year, and this is fully borne out by the results obtained in the working of the new Court during the last three months of 1869. The total number of cases instituted during the year was 3,127, of which 1,636 were disposed of by the Recorder, and 1,229 by the new Small Cause Court Judge leaving 262 cases pending, at the close of the year. Of the total number of cases filed, 2,312 were instituted during the first nine months and 815 during the remainder of the year. Mr. Macleod had therefore besides those instituted before him, 675 pending cases to adjudicate. A short comparison is made by this Officer of the number and value of Suits filed during the first three months of the current year as compared with a similar period in 1869, and although it does not belong to the present report, it is interesting as shewing the appreciation by the public of the facility given for increased litigation by the opening of the new Court.

16. The average duration of Regular Suits disposed of in 1869 was 2 months and 10 days. This can hardly be deemed satisfactory, but General Fytche has no doubt that better results will be obtained during the present year, when the Court will have got into full working order.

CHIEF COURT OF BRITISH BURMA.

SITTING AT RANGOON.

Present.

ALBERT FYTCHE, JUDGE,

CHIEF COMMISSIONER OF BRITISH BURMA, AND AGENT TO THE GOVERNOR GENERAL.

CIVIL SIDE.

Miscellaneous No. 28 *of Second Quarter* 1868.

Dated Rangoon June 25th 1868.

Read Proceeding of the Divisional Court of the Commissioner of Tenasserim Division, Civil Side, No. 45 of 1868, dated Maulmain 11th June 1868.

Also Miscellaneous Proceeding of the Civil Court of the Deputy Commissioner, Amherst District, No. 199 of 1868, dated Maulmain 10th June 1868

The Commissioner of Tenasserim Division refers to this Court for an authorative ruling as to whether Mr. D. A. Nicholas of the Recorder's Court at Maulmain is empowered to issue Notices and Processes in the name of the Recorder of Maulmain, such being frequently sent under Mr. Nicholas' signature to have the countersignature of the Deputy Commissioner of Amherst District affixed thereto.

It appears to this Court that Mr. Nicholas is not empowered to sign processes issuing from the Court of the Recorder of Maulmain, he being an ungazetted Clerk and not a Registrar of the Recorder's Court under the terms of Act XXI of 1863. Even supposing Mr. Nicholas to have been appointed by the Governor General in Council under the above Act, his signing such documents would only be valid during the absence of the Recorder.

The Chief Court directs therefore that the Government Advocate at Maulmain be instructed by the Commissioner of the Tenasserim Division, to represent to the Recorder of Maulmain, the views entertained on the subject by the Chief Court, so that in future, any Process sent for the countersignature of Officers of the British Burma Commission to be affixed, may invariably be signed by the Recorder of Maulmain, and sealed with the seal of his Court

The Government Advocate may also be instructed that such is the practice in the Recorder's Court at Rangoon.

Ordered, that a copy of this Proceeding be forwarded to the Commissioner of the Tenasserim Division.

(Signed) A. FYTCHE, JUDGE,

Chief Commissioner British Burma,

and Agent to the Governor General.

REPORT

OF THE

RECORDER OF RANGOON,

FOR THE YEAR

1869.

CIVIL.

The number of Original Suits disposed of in the Recorder's Court in 1869 was 1105. Of these 629 were Regular Suits and 476 were Miscellaneous Suits and Suits relating to lunatics and minors and to the protection of property and collection of debts on succession, as to which jurisdiction is conferred by Section 29 of the Recorders' Act.

2. In the preceding year 1868, the number of Original Suits disposed of in the same Court was 892, of which 495 were Regular, and 397 were Miscellaneous Suits.

3. The total amount or value involved in the Suits instituted in 1869 was Rs. 10,09,539-8-6 and the value of Stamps filed during the year in Regular and Miscellaneous Suits was Rs. 52,935-2-0. In 1868, the total amount involved was Rs. 7,29,829-13-10 and the value of Stamps filed was Rs. 51,866-10-0.

4. The increase in 1869 over 1868 in the above mentioned particulars is shown by the following table:—

Years.	Number of Original Regular Suits disposed of.	Number of Miscellaneous Suits disposed of.	Total number of Original Regular & Miscellaneous Suits disposed of	Value involved in Suits disposed of.			Value of Stamps filed during the year.		
				Rupees.	A.	P.	Rupees.	A	P.
1868	495	397	892	7,29,829	13	10	51,866	10	0
1869	629	476	1,105	10,09,539	8	6	52,935	2	0
Increase in 1869	134	79	213	2,79,709	10	8	1,068	8	0

Besides the Original Suits, five new trials and reviews of judgment in Civil cases were disposed of during the year.

5. The number of Suits pending at the close of 1868 was 144 Original Suits, 2 applications for new trial or review of judgment, and 21 Miscellaneous Suits, or 167 in all; at the close of 1869 there were pending 181 Original Suits, and 27 Miscellaneous Suits, or 208 in all.

6. The revenue of the Court during the year 1869, has amounted to Rs. 68,799-14-0, made up as follows:—

Stamps ...	Rs.	52,935	2 0
Tulalbana	„	5,658	12 0
Fines	„	10,206	0 0
Total ...	„	68,799	14 0

7. The expenditure has been Rs. 37,330-7-8, divided as follows:—

Recorder's salary ...	Rs.	19,677	6 8
Establishment	„	14,412	0 0
Contingencies	„	1,097	13 0
Printing	„	1,183	4 0
Bailiff's Establishment	„	960	0 0
	„	37,330	7 8
Surplus of receipts over expenditure	„	31,469	6 4
Total	„	68,799	14 0

8. The accounts of revenue and expenditure above given do not include the revenue of the Small Cause Court during any part of the year or the expenditure of the Small Cause Court after it became a separate Court on the 1st of October 1869. They therefore cannot be compared with the same accounts in previous years. The accounts of revenue and expenditure of the Small Cause Court are no doubt, attached to the report of the Judge of that Court.

9. The revenue account above given is increased by a fine of Rs. 10,000, which must be considered as a casual item in the account.

10. The longest period any case on the file at the close of the year has been pending was 11 months and 26 days, and the average duration of Suits disposed of during the year was 2 months and 10 days In 1868, the corresponding figures were

30 months and 12 days and 1 month and 7 days respectively. The increase in the average duration of Suits may be explained by the fact that until the Small Cause Court Judge was appointed and a separate Court provided, it was utterly impossible to keep pace with the business of the Court. But this subject has been fully discussed in former reports. In my report for 1868, I stated my belief that during the first four months of 1869, not 6 Suits in which issues had been settled had been decided. This was no exaggeration. It is hardly necessary to say that the number of Suits instituted within the same period and in which issues were settled far exceeded six.

11. The statement that the average duration of Suits in 1869, was 2 months and 10 days is, indeed, of no value whatever in statistics. The cases on bills and promissory notes under Act V of 1866, are those, chiefly, which reduce the average. Such cases can be, and sometimes are, instituted and finally disposed of in 8 days, and seldom remain on the file for more than a fortnight.

12. Since the establishment of the Small Cause Court under a separate Judge the arrear of cases in the Recorder's Court has been greatly reduced. So much so, indeed, that so long as the territorial limits of the jurisdiction of the Court remain as at present and no Appeals from the Small Cause Court or from any other Court are, in Civil cases allowed to be preferred to the Recorder's Court, there will be no occasion to appoint a second Judge of the Recorder's Court. The suggestion in my last report that a second Judge might become necessary was made in contemplation of a state of things which does not yet exist.

13. Nevertheless, it cannot be denied that the business of the Court is of a much heavier description now than when the Recorder sat as Judge of Small Causes also. Then scarcely any case came to a hearing; now, several cases may be heard in a week, and as the necessity of giving a written judgment almost always involves the necessity of postponing judgment, 5 or 6 cases are often standing for judgment together and this occasions much more labour out of Court than formerly.

14. The following table shows the increase of business during the three years since the Recordership of Maulmain was separated from the Recordership of Rangoon.

Years.	Regular Suits disposed of.	Miscellaneous Suits disposed of.	Criminal trials and Appeals disposed of.	Total.
1867	330	397	23	750
1868	495	397	20	912
1869	629	476	78	1183

CRIMINAL.

15. The Criminal business of the year was much heavier than in any previous year. There were 37 Appeals from decisions of the Town Magistrate and 2 from decisions of the Cantonment Magistrate, 39 in all. In 1868, there were 19 Appeals from the Town Magistrate. The great increase in the number of Appeals is no doubt to be accounted for by the great increase in the number of prosecutions instituted before the Town Magistrate, as to which (for I speak only from private information), I must refer to the Town Magistrate's report.

16. In connection with the subject of Appeals from the Town Magistrate's decisions there is one point to which I must call the particular attention of Government. It was decided by me in Criminal Appeal No. 10, of 1869, (*Boorum Meah's case*) that Captain Strover, who, for some time, held office as Magistrate of Rangoon, had no power to pass sentence of imprisonment for a longer period than two years. He had assumed to act as having had power conferred on him under Act XV of 1862, and, I believe, as many as 30 persons were sentenced by him to imprisonment for periods exceeding 2 years, before the mistake was discovered. Some were too poor to appeal, and as to some, the time within which to appeal had expired, when the appeal to me was decided. It would be manifestly unjust that these convicts should suffer imprisonment for a longer period than the Magistrate was authorized to award.

17. In the course of the year I referred a question arising on a Criminal Appeal to the High Court at Fort William. The point arose under the Gaming Acts and I referred it, not only because the point was very doubtful and public opinion is very strong on gambling questions, but also because I consider it

desirable to have the opinion of the High Court in cases upon which the necessity of taking legislative action may depend.

18. In connection with the Appeals in Criminal cases it is but right I should notice that during the time Capt. Evanson, the Cantonment Magistrate, officiated as Town Magistrate (a period of 5 months or thereabouts) there were only 13 Appeals from his decisions and of these, one was modified by the substitution of simple imprisonment for rigorous imprisonment in accordance with the Penal Code, and one only was reversed.

19. There were during the year 1869, no less than 39 Criminal trials in the Recorder's Court as a Court of Session. In 1868, there was only one Criminal trial. The reason of the increase may, in part, be set down to the fact that during the last 8 months of the year, the Magistrate officiating as Town Magistrate, had not been invested with power to sentence to imprisonment for a longer term than 2 years, and, in part, to the great increase in the number of Criminal prosecutions instituted in Rangoon in 1869, as above mentioned.

20. In several of the Criminal trials I felt it to be my duty, in charging the Jury, to animadvert most severely on the conduct of the Police. Their conduct, with few exceptions, was so pusillanimous where there was the slightest appearance of danger and so brutal when all danger was past, and in many instances, when there was no danger at all, that I think it much behoves the Government to enquire whether a different class of men altogether should not be entrusted with the protection of life and property in Rangoon.

GENERAL.

21. Since my report for 1868 was written, I have had a year's further experience of the state of the law and the administration of the law in British Burma and I am thereby confirmed in the opinion I then ventured to give that the law applicable to British Burma should be codified. It must not, however, be understood to have been my meaning "to collect into a "code the laws in force in Burma only, and not in force "elsewhere, and to leave uncodified the remaining laws "which are in force in this Province as well as elsewhere," which was the meaning attributed to my words. The Civil Code in force in France and that in force in New York embrace the simplest cases that can arise as well as those that are complicated. A Code could not be

framed to meet every case that can arise nor is it intended that it should, but the simple and plastic condition of the law in British Burma at the present time affords an excellent opportunity for codification.

22. It appears to have been considered an omission in my report for 1868, that no opinion was given in it respecting the operation of the then Stamp Act. I did not consider it to be within the scope of my report to observe upon Acts of the legislative; but, if it be, I can hardly conceive it to be an open question in political economy that anything but absolute necessity can justify any Government in raising a revenue from the administration of Civil justice beyond what is sufficient to provide for that administration in its judicial and executive bearings. Connected with this is the question how far the heavy Stamp duty induces persons to have recourse to arbitration instead of bringing cases into Court? very little indeed, I imagine; for a Plaintiff, in an action of debt generally seeks a compulsory enforcement of his claim rather than a discussion of its existence, unless only the amount of indebtedness is in dispute; and, in ordinary cases of contracts and torts, a suggestion of arbitration on the ground that the opponent (who, of course, is supposed to be in the wrong) might have to pay a larger amount of costs in consequence of the excessive stamp duty on plaints is not, I conceive, a suggestion that would often be made by a Native of India. I have no doubt however, judging from what has come before me in Court, that there are cases in which the excessive Stamp duty acts, virtually, as a denial of justice to persons who are not absolutely paupers.

23. During the past year there were few cases of general importance on the Civil side. But in one in which a Commission to examine witnesses at Mandalay was prayed, I decided that Section 25 of Act I of 1863, which enacts that the powers vested in the Sudder Court by the Civil Procedure Code shall be exercised in British Burma by the Chief Commissioner, was applicable in Suits instituted in the Recorder's Court, so that the Commission to examine witnesses was issuable by the Chief Commissioner and not, as had been argued, by the High Court at Fort William.

24. I can see no good reason why Suits on bills and promissory notes under Act V of 1866, should not be heard in the Small Cause Court in cases not exceeding Rs 1,000. There is no legal difficulty in deciding cases under that Act and it seems un-

reasonable that the time which is urgently required for heavier business should be taken up with these cases. Last year there were 457 cases under Act V of 1866, of which 403 involved amounts not exceeding Rs. 1,000, in value. It is not merely the admission of the plaint and the decision of the case which take time; for the time so occupied is very small, leave to defend being seldom asked for, but a multitude of minor applications arise out of these Suits, such as for arrest or attachment before judgment, arrest or attachment after judgment, and release of attachment either before or after judgment, in which the amount involved is, generally, very trivial. In one case, which is not an unfair specimen of these, I recently had to delay cases involving thousands of Rupees to hear evidence and decide upon the ownership of "one box worth 2 annas "containing 1 Power of attorney, 1 Tamil book, 1 Rupee, 1 "old white jacket, and 1 Penknife," taken in execution.

25. On the appointment of a separate Judge for the Small Cause Court in September 1869, a new Court was prepared for the Recorder and that formerly used by the Recorder was given up for the Small Causes. The new Recorder's Court, which has been formed by throwing down the partition wall between two rooms in the public buildings, is neither spacious nor convenient and it is excessively bad in acoustic qualities. The Judge has difficulty in hearing the bar and the bar has difficulty in hearing the Judge and both the Judge and the bar and the Jury, too, have difficulty in hearing the witnesses. It is much to be desired that a convenient building for all the Law Courts should be erected distinct from the other public offices. On the revision of the establishment on the separation of the Courts, the Deputy Bailiff was omitted, owing to the estimate having been framed on a scale approved by Mr. Broughton but which had not been examined in detail by myself. The result has been that the Bailiff has now to perform the executive business of the two Courts without an assistant instead of what, when he had an assistant, was practically, the executive business of one Court only. He is now compelled, in order to get through the work, to employ two assistants at his own expense and, while that is the case, I cannot do as I would wish, and as Mr. Broughton recommended, with respect to the Bailiff's commission on sales under execution. The scale now allowed, viz., 5 per centum on moveable and immoveable property alike, requires revision.

26. I cannot conclude this report without favourably noticing the officers on the Establishment. From the Registrar downwards they have from my first arrival here impressed me with the idea that they performed their duties with a conscientious desire to gain credit for the department. The knowledge of the routine practice of the Court which Mr. Hardinge, the Registrar, possesses, is of the greatest service and more especially so when as in my case, a Judge is appointed, who has not previously been accustomed to Indian Procedure.

Receipts and Disbursements in the Court of the Recorder of Rangoon in the Year 1869

Amount realized by stamps ...	52,935	2	0	Recorder's salary	19,677	6	8
Taluliana	5,658	12	0	Establishment.....	14,412	0	0
Fines, ...	10,206	0	0	Contingencies	1,097	13	0
				Printing	1,183	4	0
				Bailiff's Establishment	960	0	0
				Surplus of receipts over Expenditure.	31,469	6	4
Total Rupees..	68,799	14	0	Total Rupees .	68,799	14	0

Supplementary Civil Return of the Recorder's Court of Rangoon for the year 1869.

1	2	3			4			5			6			7
Description of Suits.	Courts.	Total value of Suits *decided* during the year, whenever instituted.			Value of Stamps on Suits *instituted* during the year, whether decided or not.			Value of all other costs except Stamps, on Suits *instituted* during the year, whether decided or not.			Total value of costs on Suits *instituted* during the year, whether decided or not.			Remarks.
		Rs.	A.	P.	Rs.	A.	P.	Rs	A.	P.	Rs.	A.	P.	
Regular.	Recorder's.	897,205	1	4	50,396	12	0	*	...	...	*		..	
Miscellaneous.	"				2,538	6	.							

NOTE.—* Costs cannot be ascertained till the cases are decided

RANGOON,
The 31st January 1870.

F. HOUSMAN,
Recorder.

REPORT

OF THE

RECORDER OF MAULMAIN,

FOR THE YEAR

1869.

* * * * * * *

* * * * * * *

72 With the exception of the matter above referred to, the Court appears to be working satisfactorily. It will be seen from the accompanying Returns of the business that there has been a large increase of litigation.

The Officiating Recorder.

73. Mr. H. J. Tarrant, Barrister-at-Law, officiated as Recorder of Maulmain during my absence on privilege leave, from the 25th September to the 12th December 1869.

Government Advocate, Mr de Wet

74. The province has, since the date of my last Report, been deprived of the valuable services of Mr. de Wet, the late Government Advocate of Maulmain, who has been appointed Government Advocate of Rangoon. The office has since been held by Mr. W. T. Law, an Advocate of the local Bar.

The Registrar

75. The establishment of the Court is in good working order. Mr. J. D. Bayly, who has filled the very responsible office of Registrar since the 3rd August 1868, has conducted the ministerial business both of the Court of the Recorder and Small Cause Court during that period to my entire satisfaction.

Interpreters, Hindustanee, Tamil and Telugu

76. The Hindustanee Interpretership and Tamil and Telugu Interpretership (two separate appointments), are at present held by the same person, it having been found impossible for the salary at the Court's disposal to get separate Interpreters. The

present holder of these offices (whose appointment has been expressly made temporary), can neither read nor write the languages he interprets. I would suggest the advisability of raising the pay of these appointments with a view of securing increased efficiency in this important branch of the Court's Officers. The pay of the Tamil and Telegu Interpreter of the Court of the Recorder of Rangoon is I understand Rs. 100. I should consider this with the translation fees a fair remuneration.

J. CORYTON,
Recorder.

REPORT

ON THE

COURT OF SMALL CAUSES, RANGOON,

FOR THE YEAR

1869.

From D. G. MACLEOD, Esquire, Barrister-at-Law, Judge of the Court of Small Causes, Rangoon, to the Offg. Secretary to the Chief Commissioner, British Burma, No. 16, dated Rangoon 20th April 1870.

I have the honor to submit the Annual Report for the year 1869, respecting the business of the Court of Small Causes.

2. In doing so, I must promise that, I can only speak from my personal knowledge of the business during the last quarter of the year, that is to say, from the time when the separation between the Recorder's and Small Cause Court took place. I shall therefore merely remark on the number of Suits filed and disposed of during the previous three quarters.

3. Up to the 30th September 1869, there had been filed :—

Regular Suits	1694	
Miscellaneous do.	618	2312
Total filed		2312

Disposed of by the Recorder as Judge of the Small Cause Court :—

Regular Suits	1091	
Miscellaneous do.	546	1637
Leaving Pending on 1st October		675

and of which 603 were Regular Suits and 72 Miscellaneous.

4. This at first sight appears a large number of Suits to have in arrears, but the matter is easily explained by the fact of one Judge being required to do the work of two Courts. The said work in either of the Courts being more than sufficient for one person to get through.

5. Up to this time (the 1st October,) the cases in the Court of Small Causes were only heard on three days in the week,

the Recorder having the work of his own Court on the other three days, and I confess from my own experience since I took my seat that, it is a matter of surprise to me that there were not more cases in arrears, for it must not be thought that because a Suit is for a small amount, that the said Suit can always be disposed of quickly.

6. The large number of Suits filed and the short time available for their hearing, naturally necessitated many postponements, and consequently great inconvenience to suitors, for as the cause list had been arranged for some two months in advance, it was found expedient to postpone remanents till the first clear day, this clear day being generally some two months hence. But this was not all the inconvenience parties to a Suit were likely to suffer, for it might happen that, a case when postponed would be so low on the list of the day to which it was postponed, that the Court would not have time to try it, and a second postponement would be necessary; thus a Suit might not be heard for four or five months after its institution, and yet, the blame could not be attached to any one, it was simply physically impossible to get through the work.

7. The advantage was all on the side of defendants who, of course, did not care how long the plaintiffs were kept without their claims, and I fully believe that many persons refused to pay claims justly due, simply in order that the creditors might sue them, and thus from the inability of the Court to hear the Suit quickly, they obtained time to pay the said claims, little caring for the costs, which it was well worth their while to pay for the time gained.

8. It was natural to suppose that, the sanction for the establishment of a separate Court of Small Causes which was announced on September 18th 1869, was a matter of general satisfaction but as some minor details as to the number of the staff to be employed had not been settled, the swearing in of the Judge was delayed till the first October 1869, on which day, I took charge of the office.

9. But even now the path was not quite clear, for, in consequence of the separation of the Courts, two Court rooms were required, and the Department of Public Works had not been able to complete the new Court before I was sworn in, and ready to take my seat. Under these circumstances, it was ne-

cessary for the Recorder and myself to use the same Court on alternate days, until the month of December when I began to sit every day.

10. On the 4th October 1869, I took my seat for the first time, having as I have already pointed out 675 cases on the file. My first aim and object was, to get through these arrears, and this I am happy to say I virtually accomplished by the end of the year 1869, for when the Court rose for the Christmas vacation, I found that the cases for the new year were all such as had been filed since I took my seat, with the exception of a few which had been unavoidably postponed from the previous year.

11. During the last quarter of 1869, the state of the file was as follows:—

Pending at the separation of the Courts:—

Regular Suits	603		
Miscellaneous do.	72	675	
Instituted from 1st October to the end of the year:—			
Regular Suits	577		
Miscellaneous do.	238	815	
		1490	
Disposed of during last quarter ...		1229	
Left pending at end of 1869		261	

12[illegible] 1229 cases may seem at first a large number to be disposed of in three months, but there are two explanations to be given.

1st:—As I have before remarked I applied myself to the disposal of the arrears as quickly as possible, and in this I trust I gave satisfaction

2nd:—I was much aided in getting quickly through the said arrears from the fact that, a large number of the cases were decided exparte on account of the absence of the defendants, and others again were struck off the file from the absence of both parties to the Suits. I again repeat my belief that parties to Suits were utterly tired of the delays in hearing the said Suits, and either abandoned them altogether, or settled them out of Court, hence their non-appearance when the Suits were called on.

13 The total number of Regular cases instituted during the year 1869 was 2271
The number instituted in 1868, was... 2097

Shewing an increase of 174

The total number of Miscellaneous Suits instituted in 1869, was 856
The number instituted in 1868, was ... 830

Shewing an increase of... 26

Total increase 200 cases.

14. But this increase of 200 cases is nothing when compared with the increase that will be shewn at the end of 1870, (judging by the number of Suits instituted during the first three months of the year); and although it may not exactly belong to a report for the year 1869, I think a statement of the number of Suits filed will not be out of place, if only to shew how the establishment of the new court is appreciated as a means of obtaining speedy justice and settlement of claims.

The number are as follows:—

1870	No. of Suits		Value.		
January...	204	... ...	Rs.	21,918	7 0
February	356	... ...	„	30,792	6 11
March	309	... ...	„	22,960	5 11
Total.....869.....			Rs.	75,671	3 10
1869					
January...	148				
February	192				
March	159				
Total.....499		Total value	Rs.	36,130	15 9
shewing an increase of Suits ... 370		Increase of value	Rs.	39,540	4 1

15. The average duration of Regular Suits disposed of in 1869, was two months and ten days, while that of 1868, was one month and twenty five days. Thus shewing an increase of fifteen days. The apparent cause of this increase is to be found in the postponements which I have before alluded to and tried to explain.

16. The revenue for the year 1869 amounted to

Rupees	22,002	12	0
and the expenses to Rupees	5,897	1	0
Showing an increase of revenue over expenditure of Rupees	16,105	11	0

The details are given in statement annexed.

17. Since I took my seat I have generally been able to hear Suits on the day for which they were fixed on the file, and in the event of any cases remaining unheard, the rule has been, to take them *first* the next day ; thus I have abolished the system of long postponements, which I believe was unavoidable formerly, when there was only one Court, but which nevertheless was a source of great hardship to suitors.

18. There has been some doubt as to the constitution of the Court of Small Causes in Rangoon, especially as to its jurisdiction in suits to Rupees one thousand, and in order to have this matter settled, the Government Advocate instituted a Suit of value under one thousand rupees in the Court of the Recorder, who sent the matter up to the High Court of Calcutta for opinion, I believe the Government of India has sent its answer as to the constitution, but as to the opinion of the High Court I have heard nothing.

19. In accordance with an expression of the Chief Commissioner in his review of the Report for 1868, I refrain from alluding to the necessity of an increase in the Establishment, and the pay of the peons, and will make these points the subject of a separate communication ; but I cannot close my report without expressing my high sense of the integrity and industry of the Chief Clerk of the Court, Mr. Marsh, to whom belongs the credit of the regularity and well working of the office.

Statement of Receipts and Expenditure during the year 1869.

Amount realized by stamps								Judges pay for October, November							
on Regular Suits	17,902	4	0					and December	2,250	0	0				
„ Miscellaneous Suits ...	1,116	8	0	19,018	12	0		Establishment	3,420	0	0				
Talubana fund				2,984	0	0		Contingencies	227	1	0				
												5,897	1	0	
								Balance				16,105	11	0	
Total Rupees...				22,002	12	0		Total Rupees...				22,002	12	0	

for 1869.

RANGOON
The 20th April 1870

D G MACLEOD, JUDGE,
Court of Small Causes, Rangoon.

APPENDIX.

No. 1.

STATEMENT of Civil Suits of every description, instituted, disposed of, and pending in the Court of the Recorder of Rangoon, for the year 1869.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29
NAME OF COURT.	NUMBER OF SUITS PENDING AT THE CLOSE OF 1868.							NUMBER OF SUITS INSTITUTED OR TRANSFERRED DURING 1869							NUMBER OF CASES DISPOSED OF DURING 1869.							NUMBER OF CASES PENDING AT THE CLOSE OF 1869.						
	Original Suits, and Suits received by transfer.	New Trials and Reviews of Judgment under Section 28 Act XXI of 1863.	Suits submitted to Recorder under Section 37.	Suits referred to Registrar under Section 38.	Appeals from Registrar under Act III of 1866.	Appeals from Registrar's decision under Section 38.	Miscellaneous Suits, and Suits arising under Section 29 of said Act.	Original Suits, and Suits received by transfer.	New Trials and Reviews of Judgment under Section 28 Act XXI of 1863.	Suits submitted to Recorder under Section 37.	Suits referred to Registrar under Section 38.	Appeals from Registrar under Act III of 1866.	Appeals from Registrar's decision under Section 38	Miscellaneous Suits, and Suits arising under Section 29 of said Act.	Original Suits, and Suits received by transfer.	New Trials and Reviews of Judgment under Section 28 Act XXI of 1863.	Suits submitted to Recorder under Section 37.	Suits referred to Registrar under Section 38.	Appeals from Registrar under Act III of 1866.	Appeals from Registrar's decision under Sec. 38.	Miscellaneous Suits, and Suits arising under Section 29 of said Act.	Original Suits, and Suits received by transfer.	New Trials and Reviews of Judgment under Section 28 Act XXI of 1863.	Suits submitted to Recorder under Section 37.	Suits referred to Registrar under Section 38.	Appeals from Registrar under Act III of 1866.	Appeals from Registrar's decision under Sec. 38.	Miscellaneous Suits, and Suits arising under Section 29 of said Act.
Court of the Recorder ..	144	2	0	0	0	0	21	666	3	0	0	0	0	482	629	3	0	0	0	0	476	181	0	0	0	0	0	27
Total.....	144	2	0	0	0	0	21	666	3	0	0	0	0	482	629	3	0	0	0	0	476	181	0	0	0	0	0	27

COURT OF THE RECORDER, RANGOON,
The 31st of January 1870.

F. HOUSMAN,
Recorder.

No. 2.

CLASSIFICATION of Original Regular Suits instituted before the Recorder of Rangoon, in the year 1869; not including Suits under Sections 28, 29, 37, and 38.

DESCRIPTION OF SUITS.	ORIGINAL.		TOTAL.
	Recorder.	Registrar	
I. Suits for Immoveable Property.			
1. House	,,		
2. Land	4		
3. Mortgages	55		
4. Fisheries...	,,		
6. Inheritance	1		
Total.....	60		
II. Suits unconnected with Immoveable Property.			
1. Debt...	572		
2. Damages for breach of contract, or loss or injury to Property	18		
3. Damages for Personal injuries and wrongs...	8		
4. Marriage or Divorce	7		
5. Inheritance	,,		
6. Connected with Religion	1		
Total.....	606		
Grand Total.....	666		

No. 3.

DETAIL of Suits decided on Trial, transferred or otherwise disposed of by the Recorder's Court Rangoon, during the year 1869, as per Columns 16 to 22 of Statement No. 1.

DESCRIPTION OF CASES.	COURT.	Rejected.	DECIDED. In favor of Plaintiff.	DECIDED. In favor of Defendant.	Decreed ex-parte	Compromised.	Withdrawn or disposed of in default.	Transferred or otherwise disposed of.	Total.
ORIGINAL	Recorder	1	81	13	367	80	87	0	629
	Total.....	1	81	13	367	80	87	0	629
MISCELLANEOUS.	Recorder	0	393	22	0	29	32	0	476
	Total.....	0	393	22	0	29	32	0	476

COURT OF THE RECORDER, RANGOON, *The 31st January 1870.*

F. HOUSMAN, *Recorder.*

No. 4.

SUPPLEMENTARY CIVIL RETURN of the Recorder's Court Rangoon, for the year 1869.

Description of Cases.	COURT.	Longest period any Case on the File at the close of the year has been pending.		Average duration of suits disposed of during the year.		Total amount of value of suits instituted during the year.			Value of stamps or law papers filed during the year.			Costs of every description, inclusive of stamps and pleaders' fees, incurred by parties in suits disposed of during the year.		
		M.	D.	M.	D.	Rupees.	A.	P.	Rs.	A.	P.	Rs.	A.	P.
Original.	Recorder .	11	26	2	10	10,09,539	8	6	50,396	12	0	79,674	9	0
	Total...	11	26	2	10	10,09,539	8	6	50,396	12	0	79,674	9	0
Miscellaneous.	Recorder .	7	10	0	21	0	0	0	2,538	6	0	5,792	4	0
	Total...	7	10	0	21	0	0	0	2,538	6	0	5,792	4	0

No. 5.

DETAILED STATEMENT of Miscellaneous Cases, and those arising under Section 29 *of Act XXI of* 1863, *instituted and disposed of as entered in Statement No.* 1.

Nature of Cases.	Number Instituted.		Disposed of.	
	Recorder's Court.	Small Cause Court.	Recorder's Court.	Small Cause Court.
1. Execution of Decree	320		312	
2. Objections to attachment of property in execution of decree ...	30		32	
3. Claims to sue as a pauper	7		8	
4. Claims under Act XIX of 1841 ...	1		1	
5. Cases under Act XXXV of 1858.	0		0	
6. Cases under Act XL of 1858, and Act IX of 1861	1		1	
7 Cases under Act XXVII of 1860.	2		2	
8. All other Miscellaneous cases not included above	89		86	
9. Cases under Act X of 1865 ...	32		34	
Total.....	482		476	

Court of the Recorder, Rangoon,
The 31st of January 1870.

F. HOUSMAN,
Recorder.

No. 1.

ANNUAL General Statement of the Recorder of Rangoon for the year ending December 1869

Offence.			Under trial at the close of the year.		Committed to the Session during the present year.		Received from other quarters.		Total number of persons under Trial.	Disposed of.						Under trial at the close of the year.				
Class.	Authority.	Description	Cases.	Persons.	Cases.	Persons.	Cases.	Persons.		Committment cancelled.	Referred to the Sudder Court	Convicted.	Acquitted.	Died.	Escaped	Transferred.	Cases.	Persons. In custody	Persons. On Bail.	Persons. On Cognizance.
1	2		3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
A.	302 I P. C.	Murder	,,	,,	2	2	,,	,,	2	,,	,,	,,	1	,,	,,	,,	1	1	,,	,,
Nonbailable offences.	307	Attempt to commit Murder	,,	,,	1	1	,,	,,	1	,,	,,	,,	1	,,	,,	,,	,,	,,	,,	,,
	326	Voluntarily causing grievous hurt by dangerous Weapon	,,	,,	3	3	,,	,,	3	,,	,,	3	,,	,,	,,	,,	,,	,,	,,	,,
	366-363	Kidnapping or abducting a woman in order to compel Marriage	,,	,,	2	2	,,	,,	2	,,	,,	1	1	,,	,,	,,	,,	,,	,,	,,
	467-468	Forgery for the purpose of cheating	,,	,,	3	5	,,	,,	5	,,	,,	3	2	,,	,,	,,	,,	,,	,,	,,
	379 / 381	Theft	,,	,,	4	6	,,	,,	6	,,	,,	3	3	,,	,,	,,	,,	,,	,,	,,
	420-411 / 75	Cheating and dishonestly inducing a delivery of property	,,	,,	1	1	,,	,,	1	,,	,,	1	,,	,,	,,	,,	,,	,,	,,	,,

B. Bailable offences.	392	Robbery on the high way	,,	,,	1	1	,,	,,	1	,,	,,	1	,,	,,	,,	,,	,,	,,	,,	,,
	406	Criminal breach of trust	,,	,,	1	1	,,	,,	1	,,	,,	,,	1	,,	,,	,,	,,	,,	,,	,,
	304	Culpable homicide not amounting to Murder	,,	,,	1	2	,,	,,	2	,,	,,	,,	2	,,	,,	,,	,,	,,	,,	,,
	376	Rape	,,	,,	1	1	,,	,,	1	,,	,,	,,	1	,,	,,	,,	,,	,,	,,	,,
	302/325	Culpable homicide amounting to Murder and voluntarily causing hurt ...	,,	,,	2	3	,,	,,	3	,,	,,	2	1	,,	,,	,,	,,	,,	,,	,,
	394	Voluntarily causing hurt in attempting to Commit Robbery	,,	,,	1	1	,,	,,	1	,,	,,	1	,,	,,	,,	,,	,,	,,	,,	,,
	395	Dacoity	,,	,,	2	4	,,	,,	4	,,	,,	3	1	,,	,,	,,	,,	,,	,,	,,
	149/302	Being members of an unlawful assembly some members of which assemble in prosecution of the common object of the Assembly committed Murder	,,	,,	1	5	,,	,,	5	,,	,,	5	,,	,,	,,	,,	,,	,,	,,	,,
	111/302	Abetting Escape from lawful custody in consequence whereof Murder a probable consequence of the abetment was committed under the influence of the instigation which constituted the abetment.	,,	,,	1	1	,,	,,	1	,,	,,	1	,,	,,	,,	,,	,,	,,	,,	,,
	355	Causing grievous hurt on grave and sudden provocation	,,	,,	1	1	,,	,,	1	,,	,,	,,	,,	,,	,,	,,	1	1	,,	,,
		Total.....	,,	,,	28	40	,,	,,	40	,,	,,	24	14	,,	,,	,,	2	2	,,	,,
	193/196	Giving or fabricating false evidence in a Judicial proceeding	,,	,,	10	17	,,	,,	17	,,	,,	10	7	,,	,,	,,	,,	,,	,,	,,
	403	Dishonestly misappropriating moveable property	,,	,,	1	1	,,	,,	1	,,	,,	1	,,	,,	,,	,,	,,	,,	,,	,,
		Total.....	,,	,,	11	18	,,	,,	18	,,	,,	11	7	,,	,,	,,	,,	,,	,,	,,
		Grand Total.....	,,	,,	39	58	,,	,,	58	,,	,,	35	21	,,	,,	,,	2	2	,,	,,

RECORDER'S COURT, RANGOON,
The 31*st January* 1870.

F. HOUSMAN.
Recorder.

No. II.

Annual Statement of degrees of punishment inflicted by the Recorder of Rangoon for the year ending 31st December 1869.

PERSONS SENTENCED TO																	TOTAL Amount of fines				NOTE TO No. II. STATEMENT.		
Transportation.			Imprisonment.									Find Security.			Fine.								
			From 14 years to 7 years.			From 6 years to 3 years.			Below 3 years.														
For Life.	For 14 years and above.	For 7 years and above.	Rigorous.	Simple.	With Fine.	Rigorous.	Simple.	With Fine.	Rigorous.	Simple.	With Fine.	For good behaviour.	To keep the peace.	Enter into recognizance to keep the peace.	From Rs. 5,000 to 10,000.	From Rs. 5000 to 1,000	Below Rs. 500 to 200.	Below Rs. 200.	Imposed.	Realized.	Ordered. (Applied in compensation under Sec. 44, Criminal Procedure.)	Paid.	Persons sentence to Imprisonment.	With stripes.	With fine.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	1	2	3
* 5	0	0	6	0	1	6	0	0	7	2	2	0	0	0	1	3	0	0	3	10,000	1	0	24	0	3

* One of these life convicts was also sentenced to pay a fine

RECORDER'S COURT, RANGOON,
The 31st January 1870.

F. HOUSMAN,
Recorder

NO. 111.

ANNUAL STATEMENT of Appeals preferred to the Recorder of Rangoon during the year 1869.

District.	Office.	Names of Officers.	Appeals from Convictions on Trial and from Orders under Chapters X and XIV, Code of Criminal Procedure.											
			Pending at the close of last year.	Preferred during the present year.	Total.	Rejected.	Orders Confirmed.	Orders Modified.	Orders Reversed.	Returned for re-investigation.	Pending at the close of the year.	Longest Number of days that any Suit has been pending.	Date of oldest Case pending.	Remarks.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Rangoon	Town Magistrate.	Major Duff.	,,	1	1	,,	1	,,	,,	,,	,,	,,	,,	,,
do.	do.	Capt. A. G. Strover	,,	23	23	,,	10	6	7	,,	,,	,,	,,	,,
do.	do.	Capt. R. C. Evanson	,,	13	13	,,	11	1	1	,,	,,	,,	,,	,,
do.	Cantonment Magistrate.	Capt. W. G. Hughes	,,	1	1	,,	1	,,	,,	,,	,,	,,	,,	,,
do.	do.	Capt. R C. Evanson	,,	1	1	,,	1	,,	,,	,,	,,	,,	,,	,,
		Total ...	,,	39	39	,,	24	7	8	,,	,,	,,	,,	,,

RECORDER'S COURT, RANGOON,
The 31st January 1870.

F. HOUSMAN,
Recorder.

No. IV.

ANNUAL STATEMENT of Sentences of Death referred for the confirmation of the Chief Commissioner under Section 43 Act XXI 1865 *by the Recorder of Rangoon, for the year ending 31st December* 1869.

Number of referred sentence.	Prisoners. Number.	Name.	Caste or Nation.	Offence of which Prisoner is convicted by Sessions Court, which Section of Code thereto applicable.	Date of Commitment.	Date of Conclusion of Trial.	Date of Reference to the Chief Commissioner.	Date of the Chief Comr. Receipt of the Record.	Date of the Chief Comr. Final Order.	Remarks.
	1	Hla Oung	Burman	Being members of an unlawful assembly some members of which assembly in prosecution of the Common object of that assembly committed murder, section 149-302 I. P. C.	4th December 1869.	9th December 1869.	10th December 1869.	11th December 1869.	11th December 1869.	These prisoners were some of the convicts who were concerned in the Gaol outbreak in the month of November, in which Dr. Maingay lost his life.
	2	Pan Zan	do.							
	3	Nga Ait	do.							
	4	Pho Moung alias Pho Thit	do.							
	5	Nga Doon	do.							
	6	Moung Pho Oo	do.	Abetting escape from lawful custody in consequence whereof murder, a probable consequence of the abetment was committed under influence of the instigation which constituted the abetment 111-302.						

Recorder's Court, Rangoon,
The 31st January 1869.

F. HOUSMAN,
Recorder.

No. V.

Statement shewing the Criminal cases, Sessions and Appeal, brought to trial and disposed of, by the Recorder of Rangoon, during the year ending 31st December 1869.

SESSIONS COURT.										APPEAL CASES.								
Pending at the close of 1868.		Committed during 1869.		Total Persons.	Convicted Disposed of on trial.	Acquitted	Commitment cancelled—disposed of.	Pending at the close of 1869.		Pending at the close of 1869.	Referred during 1869	Total Cases.	Rejected.	Disposed of on Trial Sentence of lower court.			Transferred, or otherwise disposed of.	Pending at the close of 1869.
Cases.	Persons.	Cases.	Persons.					Cases.	Persons.					Confirmed.	Modified.	Reversed.		
0	0	39	58	58	35	21	0	2	2	0	39	39	0	24	7	8	0	0
0	0*	39	58	58	35	12	0	2	2	0	39	39	0	24	7	8	0	0

RECORDER'S COURT, RANGOON,
The 31st January 1870.

F. HOUSMAN,
Recorder.

No. VI.

Statement shewing the number of Criminals sentenced during the year, by the Recorder of Rangoon, for terms of seven years and upwards, and the number of Persons sentenced to Transportation under section 59, of the Indian Penal Code. Vide Chief Commissioner's Docket, No. 2175, dated 2nd June 1863.

Name of Presidency or Province.	Number of Persons sentenced to Imprisonment for 7 years.	Number of Persons sentenced to Imprisonment for terms exceeding 7 years, and not exceeding 10 years.	Number of Persons sentenced to Imprisonment for terms exceeding 10 years, and not exceeding 14 years.	Number of Persons sentenced to Transportation for 7 years in lieu of Imprisonment, under Section 59 of the Penal Code.	Number of Persons sentenced to Transportation for terms exceeding 7 years, and not exceeding 10 years, under Section 59 of the Penal Code.	Number of Persons sentenced to Transportation for terms exceeding 10 years and not exceeding 14 years, under Section 59 of the Penal Code.
	1	2	3	4	5	6
Rangoon Recorder's Court.	3	3	0	0	0	0

RECORDER'S COURT, RANGOON,
The 31st January 1870.

F. HOUSMAN
Recorder.

No. 1.

Statement of Civil Suits of every description, instituted, disposed of, and pending in the Court of Small Causes Rangoon, for the year 1869.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29
NAME OF COURT.	NUMBER OF SUITS PENDING AT THE CLOSE OF 1868.							NUMBER OF SUITS INSTITUTED OR TRANSFERRED DURING 1869							NUMBER OF CASES DISPOSED OF DURING 1869.							NUMBER OF CASES PENDING AT THE CLOSE OF 1869.						
	Original Suits, and Suits received by transfer.	New Trials and Reviews of Judgment under Section 28 Act XXI of 1863.	Suits submitted to Recorder under Section 37.	Suits referred to Registrar under Section 38.	Appeals from Registrar under Act III of 1866	Appeals from Registrar's decision under Section 38.	Miscellaneous Suits, and Suits arising under Section 29 of said Act.	Original Suits, and Suits received by transfer.	New Trials and Reviews of Judgment under Section 28 Act XXI of 1863.	Suits submitted to Recorder under Section 37.	Suits referred to Registrar under Section 38.	Appeals from Registrar under Act III of 1866.	Appeals from Registrar's decision under Section 38.	Miscellaneous Suits, and Suits arising under Section 29 of said Act	Original Suits, and Suits received by transfer.	New Trials and Reviews of Judgment under Section 28 Act XXI of 1863.	Suits submitted to Recorder under Section 37.	Suits referred to Registrar under Section 38.	Appeals from Registrar under Act III of 1866.	Appeals from Registrar's decision under Sec. 38	Miscellaneous Suits, and Suits arising under Section 29 of said Act.	Original Suits, and Suits received by transfer.	New Trials and Reviews of Judgment under Section 28 Act XXI of 1863.	Suits submitted to Recorder under Section 37.	Suits referred to Registrar under Section 38.	Appeals from Registrar under Act III of 1866.	Appeals from Registrar's decision under Sec. 38.	Miscellaneous Suits, and Suits arising under Section 29 of said Act.
Court of Small Causes . .	255	0	0	0	0	0	32	2271	6	0	0	0	0	850	2317	5	0	0	0	0	831	209	1	0	0	0	0	51
Total.....	255	0	0	0	0	0	32	2271	6	0	0	0	0	850	2317	5	0	0	0	0	831	209	1	0	0	0	0	51

COURT OF SMALL CAUSES, RANGOON,
The 1st of February 1870.

D. G. MACLEOD,
Judge

No. 2.

CLASSIFICATION of Original Regular Suits instituted before the Court of Small Causes at Rangoon, in the year 1869, *not including Suits under Sects.* 28, 29, 37, *and* 38.

Description of Suits.	Original.		Total.
	Recorder.	Small Cause Court.	
I. Suits for Immoveable Property.			
1. House		,,	
2. Land		,,	
3. Mortgages		5	
4. Fisheries		,,	
5. Inheritance		,,	
Total.....		5	5
II. Suits unconnected with Immoveable Property.			
1. Debt...		2,249	
2. Damages for breach of contract, or loss or injury to property		11	
3. Damages for personal injuries & wrongs		6	
4. Marriage or Divorce		,,	
5. Inheritance		,,	
Total.....		2,266	2,266
Grand Total.....			2,271

No. 3.

DETAIL of Suits decided on Trial, transferred or otherwise disposed of by the Court of Small Causes at Rangoon, during the year 1869, *as per Columns* 14 *to* 19 *of Statement No.* 1.

Description of Cases.	Court.	Rejected.	Decided.		Decreed ex-parte.	Compromised.	Withdrawn or disposed of in default and transferred.	Total.
			In favor of Plaintiff.	In favor of Defendant.				
Original	Court of Small Causes ...	,,	412	148	919	149	689	2317
	Total.....	,,	412	148	919	149	689	2317
Miscellaneous.	Court of Small Causes ...	,,	697	35	,,	52	52	836
	Total.....	,,	697	35	,,	52	52	836

Court of Small Causes, Rangoon,
The 1st of February 1870.

D. G. MACLEOD,
Judge.

No. 4.

SUPPLEMENTARY Civil Return of the Court of Small Causes at Rangoon for the year 1869.

Description of Cases.	COURTS.	Longest period any Case on the File at the close of the year has been pending.		Average duration of suits disposed of during the year.		Total amount of value of suits instituted during the year			Value of stamps on law papers filed during the year.			Costs of every description, inclusive of stamps and pleaders fees, incurred by parties in suits disposed of during the year.		
		Months.	Days.	Months.	Days.	Rupees.	A.	P.	Rupees.	A.	P.	Rupees.	A.	P.
Original.	Court of Small Causes.	9	28	2	10	1,74,027	12	11	17,902	4		22,322	13	0
	Total ...	9	28	2	10	1,74,027	12	11	17,902	4		22,322	13	0
Miscellaneous	Court of Small Causes.	1	11	0	16	0	0	0	1,116	8	0	2,262	8	0
	Total ...	1	11	0	16	0	0	0	1,116	8	0	2,262	8	0

No. 5.

DETAILED Statement of Miscellaneous Cases, and those arising under Section 29 *of Act XXI of* 1863, *instituted and disposed of as entered in Statement No.* 1.

Nature of Cases.	Number Instituted.		Disposed of.	
	Recorder's Court.	Small Cause Court.	Recorder's Court.	Small Cause Court.
1. Execution of Decree ...		705		659
2. Objections to attachment of property in execution of decree...		60		57
3. Claims to sue as a pauper		11		11
4. Claims under Act XIX of 1841		"		"
5. Cases under Act XXXV of 1858		"		"
6. Cases under Act XL of 1858, and Act IX of 1861		"		"
7. Cases under Act XXVII of 1860		"		"
8. All other miscellaneous cases not included above.		112		109
Total ...		888		836

COURT OF SMALL CAUSES, RANGOON,
The 1*st of February* 1870.

D. G. MACLEOD,
Judge.

No. 1.

Statement of Civil suits of every description instituted, disposed of, and pending in the Court of the Recorder of Maulmain and the Small Cause Court for the year ending 31st December 1869.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29
NAME OF COURT.	NUMBER OF SUITS PENDING AT THE CLOSE OF 1868.							NUMBER OF SUITS INSTITUTED DURING 1869.								NUMBER OF CASES DISPOSED OF DURING 1869.						NUMBER OF CASES PENDING AT THE CLOSE OF 1869.						
	Original Suits, and Suits received by transfer.	New Trials and Reviews of Judgment under Section 28 Act XXI of 1863.	Suits submitted to Recorder under Section 37.	Suits referred to Registrar under Section 38.	Appeals from Registrar under Act III of 1866	Appeals from Registrar's decision under Section 38.	Miscellaneous Suits, and Suits arising under Section 29 of said Act.	Original Suits, and Suits received by transfer.	New Trials and Reviews of Judgment under Section 28 Act XXI of 1863.	Suits submitted to Recorder under Section 37.	Suits referred to Registrar under Section 38.	Appeals from Registrar under Act III of 1866	Appeals from Registrar's decision under Section 38.	Miscellaneous Suits, and Suits arising under Section 29 of said Act.	Original Suits, and Suits received by transfer.	New Trials and Reviews of Judgment under Section 28 Act XXI of 1863.	Suits submitted to Recorder under Section 37.	Suits referred to Registrar under Section 38.	Appeals from Registrar under Act III of 1866.	Appeals from Registrar's decision under Sec. 38.	Miscellaneous Suits, and Suits arising under Section 29 of said Act.	Original Suits, and Suits received by transfer.	New Trials and Reviews of Judgment under Section 28 Act XXI of 1863.	Suits submitted to Recorder under Section 37.	Suits referred to Registrar under Section 38.	Appeals from Registrar under Act III of 1866.	Appeals from Registrar's decision under Sec. 38.	Miscellaneous Suits, and Suits arising under Section 29 of said Act.
Court of the Recorder....	27	0	0	0	0	0	10	253	2	0	0	0	0	0	250	2	0	0	0	0	606	80	0	0	0	0	0	25
Court of Small Causes. ...	67	0	0	0	0	0	82	316	9	0	0	0	0	0	2276	9	0	0	0	0	1122	107	0	0	0	0	0	15
Total....	94	0	0	0	0	0	92	569	11	0	0	0	0	0	2526	11	0	0	0	0	1728	187	0	0	0	0	0	40

COURT OF THE RECORDER MAULMAIN, The 13th May 1870.

J. CORYTON, Recorder.

J. DOUGLAS HAYLY, Registrar.

No. 2.

CLASSIFICATION of Original Regular Suits instituted before the Recorder and the Court of Small Causes at Maulmain, in the year 1869*; not including Suits under Sections* 28, 29, 37, *and* 38.

Description of Suits.	Original.		Total.
	Recorder.	Registrar	
I. Suits for Immoveable Property.			
1. House	1		1
2. Land	6		6
3. Mortgages	2		2
4. Fisheries...	„		„
5. Inheritance	2		2
Total.....	11		11
II. Suits unconnected with Immoveable Property.			
1. Debt...	214	2300	2514
2. Damages for breach of contract, or loss or injury to Property	11	16	27
3. Damages for Personal injuries and wrongs...	2	„	2
4. Marriage or Divorce	13	„	13
5. Inheritance	2	„	2
Total.....	242	2316	2558
Grand Total.....	253	2316	2569

No. 3.

DETAIL of Suits decided on Trial, transferred or otherwise disposed of by the Recorder's Court and Court of Small Causes at Maulmain, during the year 1869, *as per Columns* 16 *to* 22 *of Statement No.* 1.

Description of Cases.	Courts.	Rejected.	Decided.			Compromised.	Withdrawn or disposed of in default.	Transferred or otherwise disposed of.	Total.
			In favor of Plaintiff.	In favor of Defendant.	Decreed ex-parte.				
Original	Court of the Recorder ...	1	126	18	48	33	22	2	250
	Court of Small Causes...	12	922	165	666	184	321	6	2276
	Total.....	13	1048	183	714	217	343	8	2526
Miscellaneous.	Court of the Recorder ...	51	92	45	384	6	27	1	606
	Court of Small Causes...	40	93	47	906	0	33	3	1122
	Total.....	91	185	92	1290	6	60	4	1728

Court of the Recorder, Maulmain, *The* 13*th of May* 1870.

J. CORYTON, *Recorder.*

J. DOUGLAS BAYLY, *Registrar.*

No. 4.

SUPPLEMENTARY Civil Return of the Recorder's Court and the Court of Small Causes at Maulmain, for the year 1869.

Description of Cases.	COURTS.	Longest period any Case on the File at the close of the year has been pending.		Average duration of suits disposed of during the year.		Total amount of value of suits instituted during the year			Value of stamps on law papers filed during the year.			Costs of every description, inclusive of stamps and pleaders fees, incurred by parties in suits disposed of during the year.		
		Months.	Days.	Months.	Days.	Rupees.	A.	P.	Rupees.	A.	P.	Rupees.	A.	P.
Original.	Court of the Recorder ...	8	10	2	3	6,55,375	11	0	29,974	9	0	45,083	5	0
	Court of Small Causes.	4	26	0	15½	1,39,091	8	0	14,756	0	0	20,633	11	0
	Total ...					7,94,467	3	0	44,730	9	0	65,717	0	0
Miscellaneous	Court of the Recorder ..	9	29	0	8	0	0	0	2,827	13	0	5,948	14	0
	Court of Small Causes.	2	20	0	3	0	0	0	1,556	9	0	2,748	6	0
	Total ...					0	0	0	4,384	6	0	8,697	4	0

No. 5.

DETAILED Statement of Miscellaneous Cases, and those arising under Section 29 *of Act XXI of* 1863, *instituted and disposed of as entered in Statement No.* 1. *in the year* 1869.

Nature of Cases.	Number Instituted.		Disposed of.	
	Recorder's Court.	Small Cause Court.	Recorder's Court.	Small Cause Court.
1. Execution of Decree ...	320	882	320	880
2. Objections to attachment of property in execution of decree...	74	53	69	52
3. Claims to sue as a pauper	1	1	1	1
4. Claims under Act XIX of 1841	"	"	"	"
5. Cases under Act XXXV of 1858	"	"	"	"
6. Cases under Act XL of 1858, and Act IX of 1861	6	"	6	"
7. Cases under Act XXVII of 1860	23	"	28	"
Do. Act X of 1865. { Probate.	9	"	9	"
Do. Act X of 1865. { Letters.	27	"	20	"
8. All other miscellaneous cases not included above.	161	193	153	189
Total ...	621	1129	606	1122

COURT OF THE RECORDER, MAULMAIN, *The 13th of May* 1870.

J. CORYTON, *Recorder.*
J. DOUGLAS BAYLY, *Registrar*

No. 5

SUPPLEMENTARY Civil Return of the Courts of the Recorder and of Small Causes Maulmain, for the year 1869.

1	2	3	4	5	6	7
DESCRIPTION OF SUITS.	COURTS.	Total value of Suits decided during the year whether instituted.	Value of Stamp on Suits instituted during the year whether decided or not.	Value of all other costs except stamps on Suits instituted during the year whether decided or not.	Total value of costs of Suits instituted during the year whether decided or not.	Remarks.
REGULAR ...	Recorder's Court.	6,67,118 13 0	29,920 8 0	5,573 12 0	35,494 4 0	
	Court of Small Causes	1,36,308 3 0	14,731 10 0	5,217 5 0	19,948 15 0	
MISCELLANEOUS ...	Recorder's Court.	0 0 0	2,719 11 0	3,081 5 0	5,801 0 0	
	Court of Small Causes	0 0 0	1,548 8 0	1,207 4 0	2,755 12 0	

COURT OF THE RECORDER, MAULMAIN,
The 13th May 1870.

J. CORYTON,
Recorder.

J. DOUGLAS BAYLY,
Registrar.

RETURN Shewing the Civil business of the Recorder's Court and the Small Cause Court of Maulmain during the years 1865—9.

Regular Suits.

		1865.				1866.				1867.				1868.				1869			
		Number of Suits.	Value of Suits.	Costs of every description inclusive of stamps	Average duration.	Number of Suits.	Value of Suits.	Costs of every description inclusive of stamps.	Average duration.	Number of Suits.	Value of Suits.	Costs of every description inclusive of stamps.	Average duration.	Number of Suits.	Value of Suits.	Costs of every description inclusive of stamps.	Average duration.	Number of Suits.	Value of Suits.	Costs of every description inclusive of stamps.	Average duration.
					Days.				Days.				Days.				Days.				Days.
Recorder's Court	Pending at the commencement of the year.	27				54	201528 14			46	263399 9			17	92840 15			27	131542 5		
	Instituted.	238	1083000 8			173	406277 12			129	508972 11			163	488872 7			253	655875 11		
	Total	265				227	610906 10			175	772372 4			180	581713 6			280	788918		
	Disposed of	211		39755	9 46	181	347507 1	26274 10	59	15	8 679531 5	37500 8	60	153	450171 1	29141 15	38	250	667118 13	45088 5	63
	Pending at the Close of the year	54	201528 14			46	263399 9			17	92840 15			27	131542 5			30	119799 8		
Court of Small Causes	Pending at the commencement of the year	80				67	6837			73	9519 14			45	3930 12			67	6493 13		
	Instituted	2523	183918 5			2156	168661 1			1429	100406 4			1693	112014 12			2316	139091 8		
	Total	2603				2223	175498 1			1502	109928 2			1738	115945 8			2383	145585 5		
	Disposed of	2536		33491	2 13½	2150	165975 3	29363 5	12	1457	105997 6	18439 0	15	1671	109451 11	17581 11	11	2276	136308 3	21683 11	15½
	Pending at the Close of the year	67	6837			73	9519 14			45	3930 12			67	6493 13			107	9277 2		
	Total of Suits instituted in both Courts	2761	1268924 14			2329	578938 13			1558	609380 15			1856	600887 8			2569	794467 3		

COURT OF THE RECORDER, MAULMAIN,
The 13th May 1870.

J. CORYTON,
Recorder.

J. DOUGLAS BAYLY,
Registrar.

No. 2.

Miscellaneous Cases.

		1865.				1866.				1867.				1868.				1869.			
		Number of cases.	Costs of every description inclusive of stamps.		Average duration.	Number of cases.	Costs of every description inclusive of stamps		Average duration.	Number of cases.	Costs of every description inclusive of stamps.		Average duration.	Number of cases.	Costs of every description inclusive of stamps.		Average duration.	Number of cases.	Costs of every description inclusive of stamps.		Average duration.
Recorder's Court.	Pending at the Commencement of the year	9	...	...	...	10	...	...	...	11	...	...	...	16	...	...	...	10	...	...	...
	Instituted	348	...	...	...	359	...	...	...	465	...	...	...	390	...	...	...	621	...	...	...
	Total	357	...	...	...	369	...	...	...	476	...	...	...	406	...	...	...	631	...	...	...
	Disposed of	347	2945	6	12	358	2897	4	18	460	7133	0	11	396	3338	7	12	606	5948	14	8
	Pending at the close of the year.	10	...	...	...	11	...	...	...	16	...	...	...	10	...	...	...	25	...	...	...
Court of Small Causes.	Pending at the Commencement of the year	8	...	...	...	11	...	...	...	13	...	...	...	15	...	...	...	8	...	...	...
	Instituted	1180	...	...	...	1175	...	...	...	761	...	...	...	845	...	...	...	1129	...	...	...
	Total	1188	...	...	...	1186	...	...	...	774	...	...	...	860	...	...	...	1137	...	...	...
	Disposed of	1177	2621	8	4	1173	2385	4	5	759	1816	1	4	852	1880	4	4	1122	2748	6	3
	Pending at the close of the year.	11	...	...	...	13	...	...	...	15	...	...	...	8	...	...	...	15	...	...	...
	Total number of cases instituted in both Courts	1528	...	...	...	1534	...	...	...	1226	...	...	...	1235	...	...	...	1750	...	...	...

COURT OF THE RECORDER, MAULMAIN,
The 13th May 1870.

J. CORYTON,
Recorder.

J. DOUGLAS BAYLY,
Registrar.

STATEMENT showing the Revenue of the Court of the Recorder and of the Court of Small Causes, Maulmain, during the years 1865—69; *and the Expenditure, exclusive of printing charges, during the year* 1869.

REVENUE.																EXPENDITURE.		
	1865.			1866.			1867.			1868.			1869.			1869.		
	Amount.		Total.	Amount.		Total.	Amount.		Total.	Amount.		Total.	Amount.		Total.	Amount.		
Stamps																		
Recorder's Court ...	22,569	8		14,861	0		20,060	9		23,138	4		32,802	6				
Small Cause Court ...	15,695	8	38,265 0	14,515	0	29,376 0	10,761	3	30,821 12	13,282	14	36,421 2	16,312	9	49,114 15	Recorder's Salary	20,000	0
																Offg. do.	4,311	13
Talabana.			6,077 12			5,161 8			3,672 8			3,748 2			5,140 6	Cost of establishment	14,181	8
																Contingent expenses.	403	12
Fines.			19 3			529 1			1,274 5			553 1			576 12	Travelling allowance.	261	6
			44,361 15			35,066 9			35,768 9			40,722 5			54,832 1	Total Rs.	39,158	7

COURT OF THE RECORDER, MAULMAIN,
The 13*th May* 1870.

J. CORYTON,
Recorder.

J. DOUGLAS BAYLY,
Registrar.

No. 1.

ANNUAL GENERAL Statement of the Recorder of Maulmain for the year ending 31st December 1869.

Class.	Authority.	Description.	Under trial at the close of the last year: Cases.	Under trial at the close of the last year: Persons.	Committed to the Sessions during the present year: Cases.	Committed to the Sessions during the present year: Persons.	Received from other quarters: Cases.	Received from other quarters: Persons.	Total No. of persons under Trial.	Disposed of: Commitment Cancelled.	Disposed of: Referred to the Sudder Court.	Disposed of: Convicted.	Disposed of: Acquitted.	Disposed of: Died.	Disposed of: Escaped.	Disposed of: Transferred.	Under trial at the close of the present year: Cases.	Under trial at the close of the present year: Persons: In Custody.	Under trial at the close of the present year: Persons: On Bail.	Under trial at the close of the present year: Persons: On Recognizance.
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Not bailable.	Indian Penal C. Sec. 304	Culpable Homicide not amounting to Murder ...			1	8			8			4								
	109 / 304	Abetting the above offence										4								
	304	Culpable Homicide not amounting to Murder			1	1			4				1							
	114 / 304	Abetting the above offence				3							3							
	304	Culpable Homicide not amounting to Murder			1	1			1				1							
	240	Delivery of Queen's Coin possessed with knowledge that it is counterfeit			1	1			1	Found guilty on the 15th Dec. 1869, and sentence passed on the 29th March 1870.										
	243	Possession of Queen's Coin by a person who knew it to be counterfeit when he became possessed thereof																		
	232	Counterfeiting the Queen's Coin																		
	235	Possession of instrument or material for the purpose of using the same for counterfeiting coin			1	1			1								1	1		
	240	Delivery of Queen's Coin possessed with the knowledge that it is counterfeit																		
		Total			5	15			15			8	5				1	1		

COURT OF THE RECORDER, MAULMAIN,
The 13th May 1870.

J. CORYTON,
Recorder.

J. DOUGLAS BAYLY,
Registrar.

No. II.

ANNUAL STATEMENT of degrees of punishment inflicted by the Recorder of Maulmain for the year ending 31st December 1869.

PERSONS SENTENCED TO																		TOTAL Amount of fines				NOTE TO No. II. STATEMENT.		
Transportation.			Imprisonment.									Find Security.		Enter into recognizance to keep the peace.	Fine.									
			From 14 years to 7 years.			From 6 years to 3 years.			Below 3 years.															
For Life.	For 14 years and above.	For 7 years and above.	Rigorous.	Simple.	With Fine.	Rigorous.	Simple.	With Fine.	Rigorous.	Simple.	With Fine.	For good behaviour.	To keep the peace.		From Rs. 5,000 to 1,000	Below Rs. 1,000 to 500	Below Rs. 500 to 200.	Below Rs. 200.	Imposed.	Realized.	Ordered. (Applied in compensation under Sec. 44, Criminal Procedure.	Paid.	Persons sentence to Imprisonment.	With stripes.	With fine and stripes.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	1	2	3
0	0	0	1	0	0	3	0	0	3	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

COURT OF THE RECORDER, MAULMAIN,
The 13th May 1870.

J. CORYTON,
Recorder.

J. DOUGLAS BAYLY,
Registrar.

No. III.

ANNUAL STATEMENT of Appeals preferred to the Recorder of Maulmain during the year 1869.

District.	Office.	Names of Officers.	Appeals from Convictions on Trial and from Orders under Chapters X and XIV, Code of Criminal Procedure.											
			Pending at the close of last year.	Preferred during the present year.	Total.	Rejected.	Orders Confirmed.	Orders Modified.	Orders Reversed.	Returned for re-investigation.	Pending at the close of the year.	Longest Number of days that any Suit has been pending.	Date of oldest Case pending.	Remarks.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Town of Maulmain ...	Magistrate.	J. K. Macrae Esq....	1	„	1	„	„	„	1	„	„			
	do.	G. E. Barr Esq. ...	„	3	3	„	1	„	2	„	„			
District Amherst ...	do.	Capt. W. W. Pemberton	„	12	12	5	5	„	1	1	„			
		Total ...	1	15	16	5	6	0	4	1	„	56 days.		This appeal was remanded.

COURT OF THE RECORDER, MAULMAIN,
The 13th May 1870.

J. CORYTON.
Recorder.

J. DOUGLAS BAYLY,
Registrar.

No. IV.

ANNUAL STATEMENT of sentences of Death referred for the confirmation of the Sudder Court, by the Recorder of Maulmain for the year ending 31st December 1869.

Number of Referred Sentence.	Prisoners.			Offence of which Prisoner is convicted by Sessions Court, with Section of Code thereto applicable.	Date of			Date of the Sudder Court.		Remarks.
	Number.	Names.	Caste.		Commitment.	Conclusion of Trial.	Reference to the Sudder Court.	Receipt of the Record.	Final Order.	
				NONE.						

COURT OF THE RECORDER, MAULMAIN,
The 13th May 1870.

J. CORYTON,
Recorder.

J. DOUGLAS BAYLY,
Registrar.

No. V.

Statement shewing the Criminal cases, Sessions and Appeal, brought to trial and disposed of, by the Recorder of Maulmain, during the year ending 31st December 1869.

SESSIONS COURT.										APPEAL CASES.								
Pending at the close of 1868.		Committed during 1869.		Total Persons.	Disposed of on trial.		Transferred or otherwise disposed of.	Pending at the close of 1869.		Pending at the close of 1868.	Referred during 1869	Total Cases.	Rejected.	Disposed of on Trial Sentence of lower court.			Transferred, or otherwise disposed of—Returned for re-investigation.	Pending at the close of 1869.
					Convicted	Acquitted								Confirmed.	Modified.	Reversed.		
Cases.	Persons.	Cases.	Persons.					Cases.	Persons.									
0	0	5	15	15	8	5	0	1	1	1	15	16	5	6	0	4	1	0

Note.—In one case the prisoner was found guilty on the 15th December 1869, but sentence was reserved and passed on the 29th March 1870.

COURT OF THE RECORDER, MAULMAIN,
The 13th May 1870.

J. CORYTON,
Recorder.

J. DOUGLAS BAYLY,
Registrar.

No VI.

Statement shewing the number of Criminals sentenced during the year 1869, *by the Recorder of Maulmain, for terms of seven years and upwards, and the number of Persons sentenced to Transportation under section* 59, *of the Indian Penal Code. Vide Chief Commissioner's Docket, No.* 2175, *dated* 2*nd June* 1863.

Name of Presidency or Province.	Number of Persons sentenced to Imprisonment for 7 years.	Number of Persons sentenced to Imprisonment for terms exceeding 7 years, and not exceeding 10 years.	Number of Persons sentenced to Imprisonment for terms exceeding 10 years, and not exceeding 14 years.	Number of Persons sentenced to Transportation for 7 years in lieu of Imprisonment, under Section 59 of the Penal Code.	Number of Persons sentenced to Transportation for terms exceeding 7 years and not exceeding 10 years, under Section 59 of the Penal Code.	Number of Persons sentenced to Transportation for terms exceeding 10 years, and not exceeding 14 years, under Section 59 of the Penal Code.
	1	2	3	4	5	6
British Burma, Town of Maulmain.	1	0	0	0	0	0

COURT OF THE RECORDER, MAULMAIN, *The* 13*th May* 1870.

J. CORYTON, *Recorder.*

J. DOUGLAS BAYLY, *Registrar.*